Draft

Lower Silver Creek Trail Master Plan Initial Study

City of San José File No. PP07-106

Prepared for

City of San José

June 2007

CH2MHILL
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833-2937

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Lower Silver Creek Trail Master Plan, File No. PP07-106. The master plan provides for the development of a multi-use recreational and commuter trail within and along Lower Silver Creek extending approximately 5.74 miles from the confluence of Coyote Creek to Lake Cunningham. The proposed trail would use existing SCVWD service roads and trails and would use existing City trails and sidewalks or require a newly constructed trail along on-street segments and within the PG&E corridor near Capitol Expressway.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location does not contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. This notice has been posted at the Santa Clara County Recorder's Office and posted on the City of San Jose's website to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **August 13, 2007** and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **July 12, 2007** and ends on **August 13, 2007.**

A public hearing on the project described above is tentatively scheduled for September 11, 2007 at 2:00 PM in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Hillview Branch Library, San José, CA, and online at http://www.sanjoseca.gov/planning/eir/MND.asp Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call Michael Rhoades at (408) 535-7821.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 7/12/07

Deputy

MNDPN/SBA/2/11/03

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Lower Silver Creek Trail Master Plan

PROJECT FILE NUMBER: PP07-106

PROJECT DESCRIPTION: The master plan provides for the development of a multi-use recreational and commuter trail within and along Lower Silver Creek within the SCVWD right of way, along roadway rights-of-way, and through a PG&E corridor. The proposed trail would use existing SCVWD service roads and trails within the SCVWD right-of-way and would use existing City trails and sidewalks or require a newly constructed trail along on-street segments and in the PG&E corridor and subsequent permits.

PROJECT LOCATION: The trail alignment extends for approximately 5.74 miles along the north side of Lower Silver Creek from west of U.S. Highway 101 east to Capitol Expressway, then follows a PG&E corridor south to Lake Cunningham Park.

COUNCIL DISTRICT: 5

APPLICANT CONTACT INFORMATION:
City of San Jose, Department of Public Works
City Facilities Architectural Services Division200 East Santa Clara Street
San José, CA 95113-1905
Jan Palajac, Master Plan Project Manager
408/535-8408

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

AESTHETICS – Implementation of the project involves relatively minor structural improvements such as improvements to existing structures, signage, and trailheads. The addition of a pedestrian bridge across Hwy 101 and park and sidewalk development in certain areas would result in a minor change to the visual profile of the effected areas, but would not substantially or negatively alter the existing aesthetic environment. No mitigation is required.

AGRICULTURE RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required..

AIR QUALITY – Construction of the proposed project improvements would result in a short-term increase in dust (PM_{10}) generation. This is a potentially-significant impact.

Mitigation Measures: Measures that can reduce dust and PM_{10} generation during construction activities are based on those provided in the *BAAQMD CEQA Guidelines*. The following measures would be applied during project construction:

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all truck hauling soil, sand, gravel, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Pave, apply water twice daily or as often as necessary to control dust, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at areas of construction.
- Sweep public streets daily or as often as needed to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit vehicle traffic speeds on unpaved roads to 10 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible

BIOLOGICAL RESOURCES – Because the project is located mostly along Lower Silver Creek, construction of trail improvement and subsequent use of the trail have the potential to impact biological resources:

Special-status or other Protected Species: Project construction could result in impacts to special-status or otherwise protected species potentially occurring in the project area, including, but not limited to, nesting migratory birds, burrowing owls, and western pond turtles. This could occur through disturbance from construction activity, direct impacts from equipment, or sedimentation resulting from grading.

Mitigation: To avoid impacts to special-status or otherwise protected species potentially occurring in the project area, the City would provide an on-site biologist as necessary to oversee biological components of the project, including conducting pre-construction surveys for special-status species, providing environmental awareness training, designating environmentally sensitive areas, and if necessary, establishing buffers and placing temporary exclusion fencing. In addition, a 10-mile per hour speed limit would be required along all access roads during construction activity.

To prevent nest abandonment or other disruption of nesting by birds protected under the Migratory Bird Treaty Act, the City of San José shall either schedule construction outside the nesting season for sensitive bird species (which spans February through July) or, if not feasible, have a qualified biologist conduct pre-construction surveys for nesting birds along the trail corridor no more than 14 days prior to onset of construction. If nesting bird species are observed, the biologist shall determine an appropriate buffer zone around the nest, and construction within the buffer zone shall be postponed until all young have fledged, as determined through monitoring. The recommended buffer identified by

the California Department of Fish and Game (CDFG) is 250 feet. Because of the narrow width of the project area, a 250-foot buffer may not be feasible in all areas. Before installation activities, the biologist would fence, or otherwise identify in the field, the boundary of all construction areas to avoid accidental entry into potential nesting areas by construction equipment. The City would consult with CDFG on buffer width before commencing construction activities. The City would immediately cease work and contact CDFG if a young bird has prematurely fledged the nest as a result of construction-related activities.

To avoid potential effects to burrowing owls and western pond turtles, a qualified biologist would conduct pre-construction surveys in accordance with the CDFG code, to determine whether these species are present within or adjacent to construction areas. If present, the City would provide the results of the survey to CDFG and would follow avoidance and/or mitigation measures developed in consultation with CDFG.

Riparian and other Sensitive Habitats—Indirect Impacts: The project could result in indirect impacts to the riparian, wetland and open-water habitat and the creek through inadvertent construction access into riparian woodland and wetlands, or sediments entering these habitats during or after construction.

Mitigation Measures: To avoid indirect impacts to riparian, wetland, and open-water habitat that occur in and along the banks of Lower Silver Creek, the City of San José shall incorporate measures to preclude erosion or sediments from entering the creek during construction activities. The following measures would be implemented where necessary during all phases of construction on the project site:

- Identify with temporary construction fencing or other obvious methods, all areas that require clearing, grading, revegetation, or would be otherwise disturbed.
- Stabilize any areas of disturbed soils to minimize erosion and sediment input to the creek.
- Implement erosion control measures where necessary to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments.
- Ensure that any open trenches would have wildlife escape ramps present at all times.
- Conduct erosion control seeding of all disturbed areas as soon as practicable after construction.
- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeding and repair of silt fencing) if sedimentation or erosion is noted

Tree Removal Impacts: Construction of the project could result in the removal of approximately 10 Chinese elm trees with a range in diameter of 12 to 24 inches at 24 inches above grade. Although this doesn't constitute a significant environmental impact, the following measures will be implemented:

Mitigation: If the final trail design cannot avoid existing trees, a tree survey shall be prepared and a tree replacement plan will be implemented using the City of San Jose tree replacement standards.

Impacts to Special-status or other Protected Species: Use of the trail after construction could result in impacts to special-status or otherwise protected species potentially occurring in the project area and sensitive habitat such as riparian or wetland areas. This could occur through unauthorized off-trail use by pedestrians or dogs.

Mitigation: To avoid impacts after construction, interpretative and caution signage will be posted in areas with suitable habitat for special-status species to educate trail users and prevent future direct

impacts to sensitive biological resources within the Lower Silver Creek riparian corridor. In addition, signs stating the trail rules will be posted at all entrances to the trail.

CULTURAL RESOURCES – Project construction activities would result in a low probability of disturbing pre-historic cultural resources, however, any impact to cultural resources would be potentially significant. The following mitigation measures will ensure that no significant impacts to cultural resources result from project implementation:

Mitigation: In the event that prehistoric or historic resources are encountered during earthmoving activities, all work within 25 feet of the find would stop. The City of San José's Director of Planning, Building and Code Enforcement would be notified, and a qualified archaeologist would examine the find and make appropriate recommendations for collection, recordation and analysis of the find.

In compliance with California state law, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

GEOLOGY AND SOILS – The project will no be adversely impacted by or cause adverse impacts to geologic or soils conditions, therefore no mitigation is required.

HAZARDS AND HAZARDOUS MATERIALS – Construction of proposed project has a limited possibility for risk of upset if hazardous materials are encountered. However, the impact is potentially significant; the following mitigation measures would be applied to reduce the impact to a less-than-significant level:

Mitigation: Earthmoving activities during construction would incorporate provisions for handling of soil that has obvious odors or contains waste materials such as construction debris, household waste and other potentially deleterious materials. These provisions would include protocols for testing, classifying and, if necessary, treatment and offsite disposal of soil and water. Specifically, if evidence of petroleum odors, discolored soil, or waste materials is found during the limited excavation activities required for construction; the soil would be tested in accordance with requirements of classification of waste materials (Title 22 of the California Code of Regulations) and removed and disposed of at a suitable offsite, permitted, facility. If testing indicates non-hazardous or background levels, soil may be used onsite or disposed of at Class II or Class III landfill. If hazardous substances are found and exceed applicable regulatory screening levels and criteria then the soil would be disposed of at a permitted disposal facility. Provisions for dust control as required for all grading projects would mitigate the potential for soil with potential hazardous constituents to be scattered to other areas.

HYDROLOGY AND WATER QUALITY – Based on the location of the project, construction of trail improvements could result in significant adverse impacts to water quality and use of the trail could result in adverse safety impacts to trail users from high flows and or flooding.

Impact: Trail segments running parallel to the Lower Silver Creek could be subject to flooding during major precipitation events as this alignment is within the 100-year floodplain. This poses a potentially significant hazard to trail users in these parts of the trail.

Mitigation: Prominent trail signage would be provided to warn trail users of possible hazards from storm runoff, flooding, or related trail obstructions during and after storm events.

Impact: Grading and other construction activities to build trail facilities may cause erosion of site soils generating sedimentation of Lower Silver Creek. This is a potentially-significant water quality impact that would be reduced to a less-than-significant level with incorporation of mitigation measures provided below:

Mitigation: The project would incorporate the following measures to minimize and control runoff and reduce sedimentation and contamination of storm water runoff.

- At the time of construction, the project would be required to submit a Notice of Intent (NOI) to comply with the NPDES General Permit for Storm Water Discharges Associated with Construction Activities and a SWPPP to the RWQCB 30 days prior to any construction on the site. The SWPPP must specifically address mitigation for both the construction and post construction periods using "C3 Provisions" and Best Management Practices. The SWPPP would include erosion and sediment control measures, waste disposal controls, post construction sediment, maintenance responsibilities, and non-storm water management controls.
- All excavation and grading work would be scheduled in dry weather months or construction sites would be weatherized to withstand or avoid erosion.
- Stockpiles and excavated soils would be covered with secured tarps or plastic sheeting.
- Existing vegetation would be removed only when it is absolutely necessary.
- Vegetation in disturbed areas would be replanted as quickly as possible

LAND USE AND PLANNING – The project will not have a significant impact on land use, therefore no mitigation is required.

MINERAL RESOURCES – The project will not have a significant impact on this mineral resources, therefore no mitigation is required.

NOISE – Construction would temporarily increase noise levels along the proposed trail alignment. Impacts to nearby sensitive receptors are considered potentially significant

The following measures would be applied to reduce construction noise levels:

- Construction activities would be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.

The construction contractor would be required to use power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site would be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other equipment

POPULATION AND HOUSING – The project will not impact on population and housing, therefore no mitigation is required.

PUBLIC SERVICES – The project will not have a significant impact on pubic services, therefore no mitigation is required.

RECREATION – The project will have a beneficial impact on recreational resources by expanding recreational opportunities, therefore no mitigation is required.

TRANSPORTATION / TRAFFIC – Development of the trail would be consistent with the transportation plans and policies adopted within the City of San José 2020 General Plan, including those associated with alternate transportation modes and ADA requirements, and will have a beneficial impact on transportation, therefore no mitigation is required.

UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on the provision of utilities and services, therefore no mitigation is required.

MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on 8/13/07 any person may:

(1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

(2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 7/12/07

Deputy

Adopted on: 8/20/07

Deputy

Revised 8/26/05 JAC

Draft

Master Plan Initial Study

Submitted to

City of San José

June 2007

CH2MHILL

Contents

Appendix

Tables

Figures

Acronyms and Abbreviations

ABAG	Association of Bay Area Governments
ADA	Americans Disabilities Act
AMSL	above mean seal level
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
dBA	A-weighted decibel scale
DSP	distinct population segment
ESU	evolutionary significant unit
FEIR	Final Environmental Impact Report
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LSC	Lower Silver Creek
LUFT	leaking underground fuel tank
MBTA	Migratory Bird Treaty Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic & Atmospheric Administration
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
PG&E	Pacific Gas and Electric Company

PM_{10}	particulate matter with a diameter of less than 10 microns
RWQCB	Regional Water Quality Control Board
SCVWD	Santa Clara Valley Water District
SLIC	spills, leaks, investigation and cleanup
SRA	Shaded Riverine Aquatic Habitat
SWPPP	Storm Water Pollution Prevention Plan
UBC	Uniform Building Code
UPRR	Union Pacific Railroad
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VTA	Santa Clara Valley Transportation Authority

SECTION 1

Introduction and Purpose

This initial study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 *et seq.*), and the regulations and policies of the City of San José. The initial study evaluates the potential environmental impacts that might reasonably be anticipated to result from implementation of the proposed Lower Silver Creek Trail Master Plan, which provides for the development of a multi-use trail along Lower Silver Creek (LSC) and through a Pacific Gas and Electric Company (PG&E) corridor in the City of San José.

Lower Silver Creek is located in the eastern portion of the City of San José and the adjacent unincorporated area of Santa Clara County. It is the largest creek in the Lower Silver Creek Watershed. It flows from southeast to northwest between Interstate 680 and Coyote Creek in the City of San José. The creek begins at Lake Cunningham and flows to its confluence with Coyote Creek. Lower Silver Creek is in the Santa Clara Valley Water District's (SCVWD). The SCVWD is not involved in the segments located outside the Lower Silver Creek corridor (i.e., PG&E corridor/on-street).

The project goals include:

- Expand the City's network of alternative transportation and recreational routes and encourage alternative transportation modes by providing connections between existing and proposed trails, bikeways, light rail lines, and bus lines.
- Provide, where feasible, a trail system that is accessible to all users regardless of disability.
- Plan an alignment that follows as closely as possible the Lower Silver Creek and PG&E corridor.
- Expand connections to parks, schools, and other destinations of interest as well as the City-wide and regional trail networks.
- Minimize environmental impacts and disturbance of the LSC's riparian habitats.
- Create a trail system with a consistent and unified appearance, especially in signage, markings, and amenities.
- Provide for safety, visual access, and police access along the entire trail.
- Minimize maintenance requirements by using appropriate and durable materials and focusing planting and other amenities to key areas.
- Collaborate with affected agencies and the community to ensure that their interests and concerns are addressed.

SECTION 2

Description of the Project

2.1 Project Title

Lower Silver Creek Trail Master Plan

2.2 Project Applicant

City of San José
Department of Public Works
City Facilities Architectural Services Division
200 East Santa Clara Street
San José, CA 95113-1905
Jan Palajac, Master Plan Project Manager
408/535-8408

2.3 Lead Agency Contact and Telephone Number

City of San José, Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
Michael Rhoades, CEQA Project Manager
408/535-7821

2.4 Project Location

The proposed project is located in the eastern portion of the City of San José, California (Figure 1). The trail alignment extends for approximately 5.74 miles along the north side of Lower Silver Creek from west of U.S. Highway 101 east to Capitol Expressway, then follows a PG&E corridor south to Lake Cunningham Park. As shown on Figure 1 and summarized in Table 1, the trail alignment is divided into eight segments. Segments 1-4, and a portion of Segment 5, run largely parallel to Lower Silver Creek. Segments 6, 7, and a portion of Segment 8 follow a PG&E corridor and on-street alignments. The second portion of Segment 8 runs along the northern edge of Lake Cunningham Park. Segment 8 also runs along the eastern edge of Reid-Hillview Airport.

TABLE 1
Lower Silver Creek Project Trail Alignment

Segment Number	Segment Location
Segment 1	Coyote Creek Confluence to North King Road
Segment 2	King Road to McKee Road

TABLE 1
Lower Silver Creek Project Trail Alignment

Segment 3	McKee Road to Alum Rock Avenue
Segment 4	Alum Rock Avenue to Kammerer Avenue Bridge
Segment 5	Kammerer Avenue Bridge to Capitol Expressway
Segment 6	Dobern Bridge to Foxdale Drive
Segment 7	Foxdale Drive to Ocala Avenue (Silverstone Place)
Segment 8	Ocala Avenue to Lake Cunningham Park

2.5 Project Description

The proposed project involves the development and implementation of the Lower Silver Creek Trail Master Plan (master plan). The master plan provides for the development of a multi-use recreational and commuter trail within and along Lower Silver Creek within the SCVWD right of way, along roadway rights-of-way, and through a PG&E corridor. The proposed trail would use existing SCVWD service roads and trails within the SCVWD right-of-way and would use existing City trails and sidewalks or require a newly constructed trail along on-street segments and in the PG&E corridor. The following is a breakdown of trail mileage:

- Trail on existing service road – 1.74 miles
- New trail (includes Capitol Expressway) – 1.09 miles
- Pedestrian bridge – 0.18 miles
- New sidewalks along roadway (North King and Checkers) – 0.54 miles
- Existing pathway/on-street – 2.19 miles

The trail bed within the creek corridor would consist of compacted base rock which already exists in most cases. Outside the creek corridor the trail bed would consist of asphalt in Segment 7 and concrete in some existing segments. The master plan would require building a new pedestrian bridge, utilizing existing pedestrian bridges, improving access ramps, improving trail shoulders, creating grass-lined swales, providing accent plantings, installing parkway strips, installing concrete sidewalk along North King Road and Checkers Avenue, as well as installing a number of trailheads and privacy fences.

The project begins at the proposed Coyote Creek Trail along Coyote Creek near Watson Park and passes by Plata Arroyo Park, Mayfair Park and Community Center, Capitol Park, Cassell Park, and a Little League Park before linking with Lake Cunningham Park. The proposed Draft Trail Alignment is shown on Figure 1.

START

KING ROAD

MCKEE ROAD

ALUM ROCK AVENUE

EAST SAN ANTONIO STREET

STORY ROAD

CAPITOL EXPRESSWAY

CUNNINGHAM AVENUE

END

Silver Creek

East Silver Creek

Coyote Creek

Lake Cunningham

101

680

SAN JOSE

Project Vicinity

Fairfield
Vallejo
San Rafael
Concord
Oakland
Alameda
Fremont
San Jose Metro Area
Gilroy

LEGEND

Project Location

1. Segment 1 - Coyote Creek Confluence to North King Road
2. Segment 2 - King Road to McKee Road
3. Segment 3 - McKee Road to Alum Rock Avenue
4. Segment 4 - Alum Rock Avenue to Kammerer Avenue Bridge
5. Segment 5 - Kammerer Avenue Bridge to Capitol Expressway
6. Segment 6 - Dobern Bridge to Foxdale Drive
7. Segment 7 - Foxdale Drive to Ocala Avenue (Silverstone Place)
8. Segment 8 - Ocala Avenue to Lake Cunningham Park

N

0 0.125 0.25 Miles

1 inch equals 0.25 miles

FIGURE 1
PROJECT LOCATION AND VICINITY
LOWER SILVER CREEK OVERVIEW
SANTA CLARA COUNTY, CALIFORNIA

ES042007001BAO_Lower_Silver_Creek figure_1-topo.ai 04/12/07 tdaus

The alignment of the project generally follows existing maintenance roads along Lower Silver Creek, other existing and proposed trails along the PG&E corridor, and existing roadway rights-of-way. The maintenance roads are typically located 2 to 4 feet above the low-flow channel, within the channel banks, with at-grade crossings at roadway intersections. The maintenance roads are approximately 15 to 20 feet wide and are currently surfaced with compacted base rock. There would be no artificial lighting added to riparian areas.

Proposed long-term project improvements described in the master plan include modifying the existing maintenance roads where needed, constructing one pedestrian overcrossing, construction of new trail section in the PG&E corridor, construction of new sidewalks along some on-street segments, directional and interpretive signage, trail system maps, trailheads with concrete paving and emergency call boxes (if necessary). In addition, striping on the paved portions of the trail is proposed to reduce potential user conflicts that may result from anticipated high usage in Segment 7 (Silverstone Place).

Subsequent to approval of the Lower Silver Creek Trail Master Plan by the City of San José, design documentation would be developed to provide further detail of the master plan improvements. Following this, construction documents would be prepared. Design and construction documents would be consistent with and will include all mitigation measures provided in the adopted Mitigated Negative Declaration. In addition, project design, construction, and operation may be subject to conditions provided by other permitting and/or funding agencies. It is anticipated that construction of trail improvements on SCVWD property would occur during the dry season (April 15 through October 15) while surface street and trail work on the PG&E right of way would occur year round.

Trail use would be limited to one hour before sunrise through one hour after sunset. Horseback riding would not be permitted along the project trail alignment. The following hours of operation, rules, and reporting information would be posted and apply to trail users:

RULES

- Bicyclists must yield to pedestrians and obey all traffic regulations.
- No fires, alcohol, or smoking.
- No motorized vehicles (except motorized wheelchairs).
- No boating, rafting, fishing, or swimming.
- Picnicking allowed only in designated areas.
- Clean up after pets.
- Dogs must be on a leash and under control at all times. Service dogs exempted.
- Violators subject to citation (SJMC 7.08.590).

CONCERNS

- Concerns and complaints can be reported at (408) 277-2811.

A description of the proposed project improvements, by defined project Segments 1 through 8, is provided below.

2.5.1 Segment 1: Coyote Creek Confluence to North King Road

Segment 1 is 0.77 miles and begins at the confluence of Lower Silver Creek and Coyote Creek and ends where the trail alignment first meets North King Road. There is a SCVWD service road following the creek throughout this segment, and relatively few constraints to prevent the trail from following this service road. However, the segment is bisected by U.S. Highway 101 and is generally one of the more remote segments of the proposed trail, as the trail is not surrounded by residential and/or commercial development like the other segments.

Segment 1 Plan Elements include:

- The trail alignment would utilize the existing service road throughout this segment. Improvements would largely consist of simply surfacing existing maintenance roads and would not alter the creek or the overall character of the site.
- The existing ramps , which currently provide access for SCVWD inspection and maintenance vehicles, may be modified to provide accessible (five percent max slope) access to the trail if possible. However, structural and hydraulic studies would be required to determine if such modifications are feasible, and the ramps must maintain their current width.
- A pedestrian bridge would be installed over U.S. Highway 101. Bridge design would include safety lighting, which would be low intensity lighting shielded to prevent glare. This improvement would be in an urbanized area and would not continue into riparian or other natural areas.
- Grate covered trench drains would be installed across the service road at existing outfalls to allow storm flow across the trail (See Typical Outfall Treatment in Appendix B).
- Crossings at Wooster Avenue and the UPRR would be made at-grade.

2.5.2 Segment 2: North King Road to McKee Road

Segment 2 is 0.25 miles long and is a relatively short segment with several constraints. It stretches along the frontage of North King Road from Schutte Drive south to McKee Road. The Lower Silver Creek in this location is confined to a concrete U-frame channel, pushing the proposed trail alignment to a 10-foot wide shoulder between the channel and North King Road.

Segment 2 Plan Elements include:

- The trail would be aligned along a new 6-foot wide concrete sidewalk between North King Road and the creek channel.
- The guardrails along North King Road would remain and small street trees would be planted to create separation between the sidewalk and roadway.
- The Walgreen's Bridge would be modified to allow pedestrians to cross and continue along the trail; these modifications would involve the removal of segments of the guardrails and provide a break in the concrete median that divides the bridge.

- Signage and colored paving would be provided to alert drivers to the presence of pedestrians on Walgreen's Bridge.
- A trailhead would be developed at the northwest corner of the intersection of North King and McKee Roads to identify this segment as part of the trail.
- The existing traffic signal would be used to cross North King and McKee Roads and would be updated to current Americans with Disabilities Act (ADA) standards if necessary.

2.5.3 Segment 3: McKee Road to Alum Rock Avenue

Segment 3 is 0.90 miles and stretches from the intersection of North King and McKee Roads to Alum Rock Avenue. At the northern end, the creek corridor is wide and open, with Plata Arroyo Park extending out from its southern boundary. Toward the southern end, however, the creek again enters a concrete U-frame channel similar to Segment 2, and the trail alignment must be diverted to surface roads.

Segment 3 Plan Elements include:

- The trail alignment would utilize the existing service road except where the creek becomes a concrete channel.
- The service road may be modified for accessibility (5 percent maximum slope), if feasible. However, hydraulic studies will be required to determine if such modifications would be feasible, and the ramps must maintain their current width.
- A new ramp would be constructed to provide access to Checkers Drive west of where the creek enters a box culvert; this ramp would be 8 feet wide, would not exceed a 5 percent slope, and would not obstruct the service road or reduce the flow capacity of the creek channel. Retaining walls would be minimized.
- The trail would be aligned on-street along Checkers Drive, with bicyclists on the roadway and pedestrians using existing or new sidewalk facilities; on-street segment would be signed for way-finding.
- A trailhead would be developed at McKee Road; the trailhead would provide access to the service road as well as a link to Calle de Plata to provide access to the pedestrian bridge.
- A trailhead would be developed at Checkers Drive to draw users from the on-street alignment back onto the trail.
- A small trailhead would be developed at the intersection of Checkers Drive and Alum Rock Avenue.
- The existing traffic signal would be used to cross Alum Rock and Sunset Avenues and would be updated to current ADA standards if necessary.

2.5.4 Segment 4: Alum Rock Avenue to Kammerer Avenue Bridge

Segment 4 is 0.50 miles and, like Segment 1, is primarily aligned along the existing SCVWD service road. It stretches from Alum Rock Avenue to the pedestrian bridge at Kammerer Avenue and features access to parks and schools.

Segment 4 Plan Elements include:

- The trail alignment would utilize the existing service road throughout this segment.
- The ramps at South Sunset Avenue and East San Antonio Street would be modified for accessibility (5 percent maximum slope), if possible. However, structural and hydraulic studies would be required to determine if such modifications would be feasible, and the ramps must maintain their current width.
- A trailhead/plaza would be developed with a potential for the inclusion of public art in the undeveloped spaces on the South Sunset Avenue Bridge.
- A study would be conducted at East San Antonio Street after the trail is opened to quantify the number of pedestrian crossings that occur in this location and determine if trail use warrants installation of a mid-block crossing.
- The service road south of East San Antonio Street may be modified for accessibility (5 percent maximum slope) if feasible. However, hydraulic studies would be required to determine if such modifications are feasible, and the ramps must maintain their current width.
- A new ramp would be constructed to link the service road to the Kammerer Avenue pedestrian bridge; this ramp would be 8 feet wide, would not exceed a 5 percent slope, and would not obstruct the service road or reduce the flow capacity of the creek channel. Retaining walls would be minimized.
- Grate covered trench drains would be installed across the service road at existing outfalls to allow storm flow across the trail (See Typical Outfall Treatment in Appendix B).

2.5.5 Segment 5: Kammerer Avenue Bridge to Capitol Expressway

Segment 5 is 0.85 miles and features a variety of conditions and is bisected by Interstate 680. To the west of Interstate 680, the alignment is likely to be primarily on-street, while to the east, the alignment follows an unimproved portion of Lower Silver Creek. Stretching from the Kammerer Avenue Bridge to Capitol Expressway, this is the last segment to closely follow Lower Silver Creek.

Segment 5 Plan Elements include:

- The trail would be aligned on-street along Kammerer Avenue and South Jackson Avenue to pass under the Interstate 680 overpass and return to Lower Silver Creek; the on-street segment would be signed for wayfinding.

- The trail would be constructed with minimal amenities or enhancements between South Jackson Avenue and Capitol Expressway; recommended paving material is compacted base rock.
- An alternate trail alignment would be provided on-street along Bambi Lane between South Jackson Avenue and Capitol Expressway to ensure that an accessible alignment exists after the SCVWD flood improvements are completed; the on-street segment would be signed for wayfinding.
- An alternate alignment would allow the trail to continue along the service road to Interstate 680, following an 8-foot wide concrete path north to South Jackson. If agreed upon by Caltrans, this would be the preferred alternative rather than the Kammerer Avenue alignment.
- A recommendation that the traffic signal at the intersection of South Jackson Avenue and the Interstate 680 on-ramp would be designed to provide protected pedestrian crossing of the on-ramp when it is implemented as part of a separate project.
- The existing signal at Dobern Avenue would be used to cross South Jackson Avenue and would be updated to current ADA standards if necessary.

2.5.6 Segment 6: Dobern Bridge to Foxdale Drive

Segment 6 is 1.0 miles and turns from Lower Silver Creek and follows the PG&E corridor. This segment of the proposed trail would require the fewest improvements to complete. The northern portion of the segment, from the Dobern Bridge to Dumont Circle, consists of existing trail segments in Capitol Park and two linear parks following the PG&E corridor. The PG&E corridor in the southern segment, between Dumont Circle and Foxdale Drive, is interrupted by a private housing development, so the trail must again follow an on-street alignment.

Segment 6 Plan Elements include:

- Two-foot wide base rock shoulders would be added to either side of existing 8-foot wide concrete pathways to meet the County's minimum trail standards.
- The mid-block crossing at Van Winkle Lane would be re-aligned to the trail.
- A study would be completed for a midblock crosswalk at Sleepy-Hollow Lane. to quantify the number of pedestrian crossings that occur in this location and determine if trail use warrants installation of a mid-block crossing.
- The existing signal at the intersection of Story Road and Galahad Avenue would be used to cross Story Road; barriers and signage would be used to prevent trail users from crossing mid-block and direct them to the signalized intersection.
- Other improvements between Bambi Lane and Dumont Circle would be limited to signage and bollards to slow/stop trail users prior to entering a roadway.
- The trail would utilize an on-street alignment along Dumont Circle and Leeward Drive to Foxdale Drive; the on-street segment would be signed for wayfinding.

2.5.7 Segment 7 Foxdale Drive to Ocala Avenue (Silverstone Place)

Segment 7 is 0.35 miles and presents an excellent opportunity to enhance trail facilities as a linear park. The segment, stretching from Foxdale Drive to Ocala Avenue, is an undeveloped and largely un-vegetated stretch of the PG&E corridor varying in width from about 40 feet at the north end to over 160 feet at the south end. The primary constraints are two large electric transmission towers as well as natural gas transmission lines below ground.

Segment 7 Plan Elements include:

- Site would be developed as a linear park and trail, but maintenance requirements would be minimized and turf areas avoided.
- Grass-lined stormwater infiltration swales and/or bio-retention cells would be constructed throughout the park to address C.3 requirements.
- A study would be conducted at Sunnyglen Drive to quantify the number of pedestrian crossings that occur in this location and determine if trail use warrants installation of a crosswalk.
- Trailheads/entry plazas would be developed at both ends of the park with paving and signage consistent with other segments of the trail.
- Amenities would include gathering spaces with seating/picnic tables, fitness stations, and an urban plaza.
- All PG&E requirements would be addressed in the design.

2.5.8 Segment 8: Ocala Avenue to Lake Cunningham Park

Segment 8, the southernmost segment of the Lower Silver Creek trail, is 1.12 miles and stretches from Ocala Avenue to Lake Cunningham Park. The Santa Clara Valley Transportation Authority (VTA) would complete a portion of this segment along Capitol Expressway as part of their planned light-rail extension, and the portion along Cunningham Avenue will be completed by the City in 2008, leaving only a connection to Lake Cunningham Park and other minor improvements to complete this segment.

Segment 8 Plan Elements include:

- Establish a trailhead in Lake Cunningham Park as the southern terminus of the trail with links to the park pathway system.
- Utilize existing signal at Capitol Expressway to cross Ocala Avenue.
- Utilize existing signal to cross Cunningham Avenue and Capitol Expressway.
- Coordinate with VTA to include trail segment from Ocala Avenue to Cunningham Avenue with planned roadway improvements; trail would meet preferred City trail standards if possible.
- Utilize on-street alignment along Cunningham Avenue taking advantage of planned sidewalk improvements.

- Access Lake Cunningham Park at existing access point just west of White Road; utilize existing bridge.

2.6 General Plan Designation and Zoning

The trail alignment is designated as public park/open space per the City of San José 2020 General Plan, Land Use Transportation Diagram. No zoning applies within the banks of Lower Silver Creek, including the trail alignment. As the trail continues beyond the banks of Lower Silver Creek, the trail traverses through the following General Plan designations: Public Park/Open Space, Public/Quasi Public, Medium-Low Density Residential, Medium Density Residential, Medium-High Density Residential, High Density Residential, and General Commercial. The trail also traverses and/or runs adjacent to the following Zoning Districts: Single Family Residential, Agriculture, Multi-family Residential, Light Industrial, Commercial Pedestrian, Commercial General, Two-family Residential, and Commercial Neighborhood.

2.7 Assessor's Parcel Numbers

The trail alignment traverses the following assessor's parcel numbers, separated by project Segment.

TABLE 2
Assessor's Parcel Numbers

Segment 1: Coyote Creek Confluence to N. King Road	Segment 2: North King Road to McKee Road	Segment 3: McKee Road to Alum Rock Avenue	Segment 4: Alum Rock Avenue to Kammerer Avenue Bridge	Segment 5: Kammerer Avenue Bridge to Capitol Expressway	Segment 6: Dobern Bridge to Foxdale Drive	Segment 7: Foxdale Drive to Ocala Avenue (Silverstone Place)	Segment 8: Ocala Avenue to Lake Cunningham Park
249-64-030	254-10-001	481-04-006	481-021-152	481-032-060	484-37-001	486-39-029	491-13-019
249-64-020	254-10-002	481-04-013	481-021-080	484-038-044	484-37-021	486-30-100	491-13-021
249-64-029		481-04-020	481-021-057	484-038-022	484-35-109		491-13-022
254-03-035		481-08-010	481-021-122	484-039-003	484-35-112		491-15-003
254-03-036		481-08-012	481-021-154	484-039-109	484-35-113		491-15-004
254-03-006			481-020-028		486-39-015		
254-03-010			481-020-030				
254-03-042			481-020-106				
254-03-043			481-024-08				
			481-024-030				
			481-024-049				
			481-023-033				
			481-032-058				

The proposed Lower Silver Creek Trail would pass by privately and publicly owned lands but would be mostly located on SCVWD and PG&E rights-of-way. The privately held lands are

mostly residential, though some private industry would have access to the trail (i.e. the Kellogg's Factory). The only private land crossed by the trail is the vehicular access bridge at Walgreen's Pharmacy at King and McKee Roads and property owned by the Catholic Church on East San Antonio Street. The proposed trail would pass by publicly owned lands held by the City of San José, County of Santa Clara, the SCVWD, VTA, and the California Department of Transportation (Caltrans).

2.8 Required Approvals

This initial study has been prepared for the environmental review of the proposed project, pursuant to CEQA. The environmental analysis of the project has identified environmental impacts and mitigation measures that would reduce potential impacts to insignificant levels. The impacts and mitigation measures are discussed in the following sections of this report. Regulatory approvals from state and local agencies would also be obtained prior to any site work on the project. This initial study would be used by state and local agencies in their consideration of permits for the project. The following agency approvals would need to be obtained prior to implementation of the proposed project:

- City of San José – Adoption of Lower Silver Creek Trail Master Plan
- City of San José – Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.
- Caltrans – Approve pedestrian bridge and encroachment permit,
- Pacific Gas and Electric Company – Encroachment Approval
- California Department of Fish and Game, 1600 et seq. Streambed Alteration Agreement for ground disturbing activities within riparian areas (generally within the banks of Lower Silver Creek)
- United States Army Corps of Engineers – Clean Water Act, Section 404 Nationwide Permit
- Regional Water Quality Control Board – Clean Water Act, Section 401 Water Quality Certification
- Regional Water Quality Control Board – National Pollution Discharge Elimination System (NPDES) Permit, including a Stormwater Pollution Prevention Plan (SWPPP)
- SCVWD - Encroachment permit and joint use agreement

In addition to these approvals, roadway crossings should follow City design standards as well as standards of practices, such as Warrant studies for mid-block crossings.

2.9 Related Plans and Projects

2.9.1 City of San José 2020 General Plan

The City of San José 2020 General Plan includes a number of policies related to the proposed project. Specifically, the Goals and Policies section of the General Plan provides policies related to pedestrian and bicycle facilities, which include but are not limited to the following.

Pedestrian Facilities:

- The City should encourage walking, bicycling, and public transportation as preferred modes of transportation. (Policy No. 19)
- Pedestrian safety and access should be given priority over automobile movement. (Policy No. 20)
- In order to provide pedestrian comfort and safety, all pedestrian pathways and public sidewalks should provide buffers between moving vehicles and pedestrians where feasible (e.g., trees, planting strips, and parked cars). (Policy No. 24)
- The City's Capital Improvement Program and other mechanisms should implement quality pedestrian facilities identified in the General Plan's Pedestrian Priority Area and Trails and Pathways Diagrams. (Policy No. 26)

Bicycling:

- The City should develop a safe, direct, and well-maintained transportation bicycle network linking residences, employment centers, schools, parks and transit facilities and should promote bicycling as an alternative mode of transportation for commuting as well as for recreation. (Policy No. 51)
- Priority improvements to the Transportation Bicycle Network should include (Policy No. 53):
  - Bike routes linking light rail stations to nearby neighborhoods
  - Bike paths along designated trails and pathways corridors
  - Bike paths linking residential areas to major employment centers
- Bicycle safety should be taken into consideration when implementing improvements for automobile traffic operations. (Policy No. 56)

The Scenic Routes and Trails Diagram of the General Plan include a trail corridor along the length of the Lower Silver Creek coincident with the proposed trail alignment.

SECTION 3

Existing Setting, Environmental Checklist, and Discussion of Impacts and Mitigation Measures

This section describes the existing environmental conditions on and near the project site, as well as environmental impacts associated with the proposed project. The analysis of impacts uses the environmental checklist recommended in the CEQA Guidelines. The checklist identifies environmental impacts that could result if the proposed project is implemented. Information sources are noted for each checklist response and cited in full in Section 3.19. In addition, a supporting narrative discussion and/or data are provided for each set of checklist responses. If applicable, proposed mitigation measures are provided to reduce potentially significant environmental impacts.

3.1 Aesthetics

3.1.1 Setting

In December 2000, the SCVWD adopted the *Coyote Creek Watershed Aesthetic Guidelines,* which establishes aesthetic design standards to evaluate projects proposed by the SCVWD and other jurisdictions. These guidelines are now being used in all jurisdictional watersheds of the SCVWD (SCVWD, 2000a). The project would conform to the guidelines, which include recommendations on trail surfaces and landscape design.

The proposed trail alignment is located adjacent to the Lower Silver Creek for the most part, which is dominated visually by riparian habitat and in portions by SCVWD service roadways and PG&E aboveground utility lines. The PG&E corridor only crosses Lower Silver Creek in one location; it does not follow any segment of the creek. Immediately surrounding the trail alignment is the urbanized setting of the City of San José, which includes a variety of commercial, residential, and industrial uses. A discussion of the visual character associated with each segment of the project trail alignment is provided below.

3.1.1.1 Segment 1: Coyote Creek Confluence to North King Road

Segment 1 begins at the convergence of Lower Silver Creek and Coyote Creek. Much of this segment is comprised of developing riparian areas along the banks of Lower Silver Creek, recently planted as mitigation for the Lower Silver Creek Watershed Project. Highway 101 bisects this portion of the proposed trail. Much of this segment is considered improved creek corridor meaning that an unpaved SCVWD service road runs parallel to the creek. The service road is relatively flat and borders the creek corridor, and tall grass and tree growth extends along the length of the segment. Developments such as bridges, Wooster Ramp, and concrete culverts link to the service road. The banks of the creek are lined with low grassy vegetation, young riparian growth, and gabions. Much of the adjacent land use on the trail side of the creek is industrial.

3.1.1.2 Segment 2: King Road to McKee Road

Segment 2 runs along North King Road following the creek corridor. Lower Silver Creek in this location is confined to a concrete U-frame channel. The proposed trail corridor and utility line runs along a 10-foot wide stretch between the creek channel and North King Road. A guardrail currently runs along this path alignment. Adjacent to the southern extent of Segment 2, an automobile crossing bridge, not designed to allow pedestrian crossing, stands adjacent to a Walgreen's.

3.1.1.3 Segment 3: McKee Road to Alum Rock Avenue

At the northern end of Segment 3 the creek corridor is wide and open. Past Plato Arroyo Park the creek narrows, similar to Segment 2, into a concrete U-frame channel. An unpaved service road is lined by a strip of short grassy vegetation and runs along the creek in the northern segment. Some landscaping exists along this reach and residential areas are immediately adjacent to the trail and creek separated by a fence and short retaining wall. Plata Arroyo Bridge, a pedestrian bridge, connects the housing area along Calle de Plata to Plata Arroyo Park, which is landscaped and well maintained.

3.1.1.4 Segment 4: Alum Rock Avenue to Kammerer Avenue Bridge

Segment 4 of the proposed trail alignment runs along the existing unpaved 20-foot wide SCVWD service road and directly adjacent to an improved creek corridor portion of the Lower Silver Creek. Unused, open space is found along the northern reaches of this segment. Two existing bridges are located within Segment 4: one at Lausett Avenue and the other at Kammerer Avenue. The Mayfair Park and Community Center is found at the southern end of this segment.

3.1.1.5 Segment 5: Kammerer Avenue Bridge to Capitol Expressway

Interstate 680 bisects Segment 5. To the west of Interstate 680 the proposed trail corridor runs along Kammerer Avenue and South Jackson Avenue and under Interstate 680. The trail meets back with unimproved portions of Lower Silver Creek to the east of Interstate 680. Housing borders the trail corridor along this entire segment with the exception of the portion crossing Interstate 680. Segment 5 includes the recently installed Dobern pedestrian bridge at Bambi Lane. This bridge provides pedestrian and bicycle access across Lower Silver Creek between Bambi Lane and Dobern Avenue. The existing pedestrian bridge crosses an area of Lower Silver Creek with steep banks covered in tall grass and boulders. The top of bank extends along either side of the bridge following the creek corridor with fencelines separating the creek from residential properties. The dirt path between South Jackson and Capitol Expressway shows signs of erosion. There is also an alternate alignment proposed for Segment 5 that would continue along the service road to Interstate 680, following an 8-foot wide concrete path north to South Jackson. The master plan proposes both alignments, however if agreed upon by Caltrans, the latter would be the preferred alternative rather than the Kammerer Avenue alignment.

3.1.1.6 Segment 6: Dobern Bridge to Foxdale Drive

Segment 6 begins at the Dobern Bridge where the proposed trail extends perpendicularly away from Lower Silver Creek. Because this portion of the alignment is within a PG&E corridor, aboveground powerlines are the primary focal point. A tall antenna and fenced off

PG&E facility are adjacent to the Dobern Bridge. Capitol Park is located just south of the Dobern Bridge. The park is landscaped and maintained and includes amenities such as a playground and picnic tables. Trail improvements along a large portion of this segment, along Wenlock Drive between Story Road and Dumont Circle, are complete. A linear park extends along the path for this portion. The southern portion of this corridor is interrupted by housing and the remaining Segment 6 alignment follows roadways to rejoin the PG&E corridor at Foxdale Drive.

3.1.1.7 Segment 7: Foxdale Drive to Ocala Avenue (Silverstone Place)

Segment 7 of the proposed trail runs along Silverstone Place in an undeveloped and largely unvegetated stretch of PG&E corridor surrounded by residential neighborhoods. The corridor varies in width from approximately 40 feet at the north end to 160 feet at the south end. This site is used now as a utility corridor for PG&E natural gas transmission lines and overhead powerlines.

3.1.1.8 Segment 8: Ocala Avenue to Lake Cunningham Park

The portion of Segment 8 along Capitol Expressway is set on a PG&E right-of-way along a planned VTA light-rail extension. This segment is not located within the Lower Silver Creek corridor. The majority of Segment 8 is covered in thick, tall grass cover. A tall chain-link fence and roadway separate the park and residential neighborhood. Segment 8 is also located to the east of the Reid-Hillview Airport.

3.1.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
AESTHETICS — Would the project:					
a) Have a substantial adverse effect on a scenic vista?				X	1, 2, 3, 18
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 7
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 2, 3, 18
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 3

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources

a) The primary structure or feature proposed under the Project implementation would be the construction of one pedestrian bridges in Segment 1. Segment 7 includes development into a linear park and trail design. These and other improvements would be incorporated to meet currently defied City Guidelines. No other major structures or features that could substantially affect a scenic vista are proposed.
b) No designated or eligible state scenic highways are located in the project vicinity.
c) The limited new construction associated with project implementation would not substantially degrade the visual environment at the site and vicinity and in many areas would bring the visual quality into compliance applicable design guidelines.
d) No new lighting is planned for this project with the exception of the possible lighting of the proposed pedestrian bridge with low intensity lighting shielded to prevent glare.

Discussion: Implementation of the project involves relatively minor structural improvements such as improvements to existing structures, signage, and trailheads. The addition of a pedestrian bridge along Segment 1 and park and sidewalk development in certain areas would result in a minor change to the visual profile but would not substantially or negatively alter the existing aesthetic environment. To assess impacts to potentially sensitive views along Segment 1 that may be affected by the new pedestrian bridge crossing Highway 101, photo simulations were completed from two perspectives. These two observation points were selected to best capture the most prominent public views; the different locations help to illustrate how the completed bridge would look and provide a meaningful context in the proposed location.

Photos of the existing views from two observation points are shown in Figures 2 and 3, each paired with an after photograph showing the simulated rendering of the site after the proposed pedestrian bridge is constructed. Comparisons of the before-and-after illustrations are described below.

Observation Point 1 (Figure 2). Looking northwest, this observation point is from the Julian Street Exit onto Highway 101 northbound. The proposed bridge would cross the highway roughly 190 feet north of this viewpoint and would be among several other key focal points from this perspective. Other prominent features are the lodging and housing complexes on either side of the highway as well as the retaining wall lining the highway corridor, an aboveground utility line, and four tall antennas in the background. The primary viewers would be commuters in their automobiles entering Highway 101.

Upon completion, there would be no substantive change to this vantage point. The bridge would not change the visual character of the area. The bridge would include a transparent fence on either side to protect pedestrians which allows views onto and off of the bridge and also minimizing the visual mass of the bridge. The change in this view is not considered significant.

Observation Point 2 (Figure 3). Looking south onto Highway 101, this observation point was taken from Marburg Way, a small side street running parallel to the northeast of the highway. This view represents the vantage point from the north and from immediately adjacent land uses. Currently in this viewscape, other buildings, light poles, street signs, and another bridge are seen. The primary viewers from this perspective would be pedestrians and commuters on side streets and commuters heading southbound on Highway 101.

Upon completion, the pedestrian bridge would be in line with the existing bridge already crossing Highway 101 at the Julian Street Exit. No natural or scenic resources are compromised and the visual character of the area is not changed or in any way degraded. The change in this view is not considered significant.

Overall, improvement of the trail alignment with landscaping, fencing, striping, signage, stormwater trench drainage, and various architectural elements would generally result in a more cohesive visual character, and would be consistent with the SCVWD's *Coyote Creek Watershed Aesthetic Guidelines* (SCVWD, 2000a).

The San José 2020 General Plan outlines various objectives and goals to optimize the natural resources within the city including the creeks and streams traversing San José. The Lower Silver Creek Trail Master Plan would meet these objectives by creating a network of trails to allow access to these natural resources and recreational opportunities without dependence on automobiles or congested urban streets. The natural riparian setting of the creekside areas also enhances the aesthetic value of neighboring land uses (City of San José, 1994). All of these resources and features would upgrade the visual character of the area rather than degrade or compromise the existing setting.

Certain areas of the existing trail are not currently compliant with County trail standards. The proposed plans would improve these segments of the trail by providing widened base rock shoulders to meet these requirements. Techniques such as landscaping to separate sidewalks and busy roadways would be employed to elevate both safety and aesthetic character. Public art may further be included in various locations along the trail alignment. A new linear park would be incorporated in Segment 7 along Silverstone Place to provide new recreation and gathering space. Furthermore where appropriate, the proposed trail would be connected to adjacent park and recreation areas.

No artificial lighting is planned for this project, except for low-intensity, shielded lighting for the proposed pedestrian bridge. Existing lighting sources and fixtures would be retained along the proposed trail alignment. Because implementation of the master plan will not create new sources of unshielded light or glare, there will be no impact on aesthetics. Lighting is discussed further in Section 3.4, Biological Resources.

Impacts: No significant adverse impacts to aesthetics have been identified. The proposed trail improvements would provide enhanced viewing opportunities along the creek corridor and features and improvements that result in a more cohesive visual environment. No mitigation measures are recommended or required. The proposed pedestrian bridge would be located in an urbanized area in character with surrounding infrastructure, as described above. The surrounding views in this area are dominated by views of the highway, utility infrastructure, street signs, and buildings.

3.1.3 Conclusion

Development of the proposed trail realignment and Project improvements would not significantly impact the aesthetic environment of the project site and vicinity.

3.2 Agricultural Resources

3.2.1 Setting

A portion of the trail is outside the Lower Silver Creek corridor and passes through a PG&E utility corridor and roadway right-of-way. No portion of the project site includes agricultural lands or activities. The setting surrounding the project site is highly urbanized. A small portion of the proposed path is adjacent to areas zoned as Agricultural Lands in the City's General Plan. These areas are located to the west of Interstate 680, south of Lower Silver Creek and northwest of Lake Cunningham. No existing or planned agricultural uses are located in the near vicinity of the trail alignment.

3.2.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
II. AGRICULTURE RESOURCES: Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 3, 6
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X	1, 3

a) Project implementation does not involve the conversion of any farmland areas, including prime or unique farmlands.
b) Areas adjacent to the proposed trail are zoned Agricultural in the General Plan. Project implementation would not conflict with any agricultural-zoned lands.
c) No farmlands occur in the near vicinity of the project site. Project implementation would not directly or indirectly result in the conversion of farmland.

Discussion: The proposed alignment is mainly located atop or appurtenant to flood control structures along Lower Silver Creek. The rest of the trail alignment is located within residential neighborhoods. This severely limits the potential for agricultural uses. Because no existing or planned agricultural use is located in the vicinity of the project site, construction of the proposed improvements would have no potential to impact farmlands or agricultural activities. Similarly, use of the path by cyclists, pedestrians, and recreational users would have no impact on agricultural resources.

Current perspective

Simulation perspective from Julian Street Exit onto Highway 101 northbound looking northwest.

FIGURE 2
VISUAL SIMULATION
(JULIAN STREET)
LOWER SILVER CREEK TRAIL PLAN

CH2MHILL

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Current perspective

Simulation perspective from Marburg Way, running parallel to Highway 101 along the northeastern side, looking south.

FIGURE 3
VISUAL SIMULATION
(MARBURY WAY)
LOWER SILVER CREEK TRAIL PLAN

CH2MHILL

3.2.3 Conclusion

Project implementation would not have an adverse impact on agricultural resources or activities.

3.3 Air Quality

3.3.1 Setting

The project site is located in the Santa Clara Valley, an area bounded by San Francisco Bay to the north and by mountainous areas to the south, east, and west. The climate of this area is characterized by mild winters, warm summer days, and cool summer nights. The geographic terrain and proximity to the coast have a strong influence on prevailing winds; a sea breeze from the northwest is typical in the afternoon and light south-southeasterly winds during the late evening and early morning.

The Bay Area Air Quality Management District (BAAQMD) maintains primary jurisdiction over air quality issues in the nine-county Bay Area, which includes both the City of San José and Santa Clara County. The BAAQMD monitors air quality at several locations throughout the San Francisco Bay Area Air Basin. The monitoring station nearest to the project site is located in downtown San José. The table below summarizes data from this monitoring station over the period of 1999 to 2005.

TABLE 3
Air Quality Monitoring Data, Downtown San José

		Number of Days Air Quality Standard Exceeded						
Pollutant	**Standard**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**20005**
Ozone	Federal	0	0	0	0	0	0	0
	State	3	0	2	0	4	0	1
Carbon Monoxide	Federal	0	0	0	0	0	0	0
	State	0	0	0	0	0	0	0
Nitrogen Dioxide	Federal	0	0	0	0	0	0	0
	State	0	0	0	0	0	0	0
Particulate Matter (PM10)	Federal	0	0	0	0	0	0	0
	State	5	7	4	0	3	4	2

The San José 4th Street station was closed for relocation on April 30, 2002. It reopened as San José Central on October 5, 2002.

Source: BAAQMD 2007.

As shown above, no violations of federal air quality standards occurred during the period 1999 to 2005, and no state violations occurred for carbon monoxide or nitrogen dioxide. Ozone and/or particulate matter (PM_{10}) levels exceeded the more stringent state air quality standards on several days each year, with the exception of 2002. Both ozone and PM_{10} are

considered regional pollutants that are not directly proportionate to localized individual sources but rather tend to be uniform over a region.

The Bay Area is a designated "non-attainment area" for ozone due to regional violations of air quality standards promulgated under the federal Clean Air Act. Under the California Clean Air Act, Santa Clara County is a non-attainment area for ozone and PM_{10}. The County is either in attainment or unclassified for other air pollutants.

In response to the non-attainment status for ozone, the *San Francisco Bay Area Ozone Attainment Plan* was prepared and adopted in 2001 by the BAAQMD, the Metropolitan Transportation Commission, and the Association of Bay Area Governments. The plan provides a regional approach for ozone attainment status and is intended to comply with United States Environmental Protection Agency and State of California requirements.

Sensitive receptors in the project vicinity include facilities where occupants are considered sensitive to air pollution (e.g., children, the elderly, the acutely and chronically ill). Land uses considered sensitive include hospitals, schools, eldercare facilities, and residences. In the immediate vicinity of the trail alignment, potentially sensitive receptors are limited mainly to residential land uses.

3.3.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	1, 8, 13
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 8
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 8
d) Expose sensitive receptors to substantial pollutant concentrations?		X			1, 2, 3
e) Create objectionable odors affecting a substantial number of people?			X		1, 2, 3

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources

a) Project implementation would not conflict with the *San Francisco Bay Area Ozone Attainment Plan* (BAAQMD et al. 2001).

b) The relatively minor scale of construction activities would not generate substantial levels of air emissions; no violation of air quality standards would result.

c) Temporary air emissions during construction could contribute to significant cumulative air quality impacts. Operational emissions would be limited to periodic operation of maintenance vehicles and equipment, and emissions resulting from a limited number of trail users driving to the project site.

d) Potential air quality impacts are limited primarily to short-term construction activities; receptors in nearby residential development would not be significantly impacted due to the temporary nature.

e) Potential odors generated during asphalt paving activity would be temporary, and would not affect substantial numbers of people.

Discussion: The BAAQMD CEQA Guidelines "generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project or project setting". During operations, vehicle trips generated by trail users driving to a trailhead would be substantially less than 2,000 trips per day. Additionally, no new parking is associated with the trail, as it is intended primarily for local use. This would likely reduce, rather than increase the number of vehicle trips in the area. Because the project falls below the BAAQMD screening criteria, a detailed air quality analysis was not prepared. Total emissions are expected to fall well below the significance criteria provided in the *BAAQMD CEQA Guidelines*.

Project implementation would not conflict with or obstruct any air quality plan applicable to the Bay Area, including the *San Francisco Bay Area Ozone Attainment Plan*. The project is consistent with the transportation control measures provided in the attainment plan related to bicycle and pedestrian programs. The project would provide an overall beneficial impact on air quality by providing greater opportunities for non-motorized transportation.

Construction of trail improvements involves equipment and vehicles that generate regulated air emissions. Activities that would result in temporary air quality impacts include the paving and construction of gravel shoulders along the alignment and installation of miscellaneous trail facilities (signs, benches, etc.). These activities would result in exhaust emissions from construction vehicles and equipment. In addition, grading and other earthmoving activities during construction would generate dust (PM_{10}). Due to the relatively limited use of construction equipment, associated air emissions would either be so minor or of such short duration that no substantial degradation of air quality would occur.

Occupants within residential development along the trail alignment may be subject to temporary adverse impacts due to a short-term degradation of local air quality during construction activities. Due to the proximity of these sensitive receptors to the trail alignment, PM_{10} emissions would result in a potentially-significant impact. Recommended mitigation measures would serve to limit this impact to a less than significant level.

Paving and asphalt-related activities during construction may generate detectable odors at nearby land uses. However, this potential nuisance impact would occur over a limited time and within a limited geographic area. Therefore, the impact is not considered significant.

Impact: Impact AIR-1: Construction of the proposed project improvements would result in a short-term increase in dust (PM_{10}) generation. This is a potentially-significant impact.

Mitigation: Mitigation Measure AIR-1: Measures that can reduce dust and PM_{10} generation during construction activities are based on those provided in the *BAAQMD CEQA Guidelines*. The following measures would be applied during project construction:

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all truck hauling soil, sand, gravel, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Pave, apply water twice daily or as often as necessary to control dust, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at areas of construction.
- Sweep public streets daily or as often as needed to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit vehicle traffic speeds on unpaved roads to 10 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.

3.3.3 Conclusion

Implementation of the dust control mitigation measures provided above would ensure that potentially significant PM_{10} impacts during construction remain less than significant. No other significant impacts are anticipated as a result of project implementation.

3.4 Biological Resources

This assessment of biological resources is based in part on technical studies conducted to address the SCVWD Lower Silver Creek Watershed Project, a 4.6 mile flood protection and creek restoration project located in East San José that encompasses the project area. This includes biological studies supporting the *Final Initial Study/Mitigated Negative Declaration and Environmental Assessment/Finding of No-significant Impact for the Lower Silver Creek Watershed Project* (IS/MND, EA/FONSI), adopted in December 2000. For purposes specific to this initial study, two qualified field biologists (a wetland and a wildlife biologist) conducted a reconnaissance-level survey of the project trail alignment on March 30, 2007 to assess current conditions and any changes that may have occurred since completion of

previous studies. Appendix 1 includes photographs of the site and updated special-species lists.

3.4.1 Setting

Lower Silver Creek is one of the several perennial watercourses in the Santa Clara Valley located in eastern San José running east-west at the southern end of the San Francisco Bay (Figure 1). The Lower Silver Creek watershed is within the San Francisco Subregion of the California Water Resource Region and covers an area of about 43 square miles (27,700 acres) including Thompson Creek which is characterized by a 20.9-square mile (13,400-acre) watershed. The watershed is bounded on the east by the Diablo Range with the upper regions characterized by steep foothills while the lower region has gentle sloping hills. The lower reaches, which constitutes about one-third of the watershed and includes Lower Silver Creek, are flat and mostly surrounded by urban development.

Thompson Creek originates in the foothills of the Diablo Range at an elevation of about 2,300 feet above mean sea level (AMSL) and flows northwest to its confluence with Silver Creek, approximately one mile upstream of Lake Cunningham. Silver Creek originates at an elevation of about 180 feet AMSL and flows north to the Lake Cunningham area. Downstream of Lake Cunningham, the man-made earthen and concrete channel of Lower Silver Creek flows northwest to its confluence with Coyote Creek in east San José at an elevation of about 60 feet AMSL.

Much of the western half of the watershed, which includes the entire project area, is within the corporate limits of the City of San José and is intensively urbanized. This area comprises about 12,200 acres and contains a mix of land uses including single-family homes, apartments, commercial and industrial uses, and parks. The largest single urban land use is single-family residential. Additionally, wildlife habitat and visual quality of the watershed has been reduced because of the urbanization of 95 percent of the floodplain.

The project area for the Lower Silver Creek Master Plan begins at the confluence with Coyote Creek just downstream of the US Highway 101 overpass near Watson Park (Figure 1). The trail alignment follows the existing SCVWD maintenance road on the north side of the creek from Coyote Creek to Capitol Expressway. The biological habitat along Lower Silver Creek within the trail alignment has been undergoing intense revegetation as part of the mitigation plan for the SCVWD Lower Silver Creek Watershed Project. Riparian and upland revegetation efforts have been ongoing since the winter of 2004. The remaining segments of the alignment are in residential communities and urban settings. The end of the project area is located at the entrance to Lake Cunningham Park at the intersection of Cunningham Avenue and White Road (Figure 1).

The area has a Mediterranean climate with moderate temperatures and light to moderate precipitation. Annual precipitation averages 14 inches in the Santa Clara Valley with up to 18 inches in the mountainous areas in the eastern part of the watershed. Ninety percent of the annual rainfall occurs during the months of November through March. Flooding is most severe when a series of large Pacific storms pass through the watershed in succession. Extremes in temperature range from about 20 to 110 degrees Fahrenheit. The average winter lows are in the middle 30s, and the average summer highs are in the 80s. The average growing season is about 336 days.

3.4.1.1 Vegetation

Most of Lower Silver Creek is an altered riparian habitat that has experienced native vegetation removal over many years from agriculture and urbanization. All of the project area is in a developed urban area of San José where the remaining undeveloped parcels are dominated by grassland and restored riparian habitats. Along most of the trail alignment, the landscape is characterized by non-native annual species typical of non-native grasslands with dominant species such as wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), and smilo grass (*Piptatherum milliaceum*). Areas of the proposed trail location along the SCVWD maintenance road are dominated by non-native, perennials indicative of ruderal species such as wild radish (*Raphanus sativus*), mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), and Italian thistle (*Carduus pycnocephalus*).

The section of Lower Silver Creek located between Coyote Creek and Interstate 680 has been undergoing restoration efforts by SCVWD through the establishment of native riparian and upland habitats originating from the Lower Silver Creek watershed. Riparian vegetation currently planted along the upper banks and benches within the corridor include: Fremont's cottonwood (*Populus fremontii*); California sycamore (*Platanus racemosa*); coast live oak (*Quercus agrifolia*); valley oak (*Quercus lobata*); California buckeye (*Aesculus californica*); box elder (*Acer negundo*); and a variety of native willows (*Salix* ssp.). Upland habitat restoration is also being implemented along the trail alignment and includes native species such as: blue elderberry (*Sambucus mexicana*); coyote brush (*Baccharis pilularis*); holly-leaf cherry (*Prunus ilicifolia*); marsh baccharis (*Baccharis dougalsii*); California sagebrush (*Artemisia californica*); California rose (*Rosa californica*); and California blackberry (*Rubus ursinus*).

Riparian and upland habitat along the project site may be used by wildlife for food, water, escape cover, nesting, migration and dispersal corridors, and thermal cover. The native trees are host to abundant insects that many wildlife species eat. As the planted trees grow, their natural cavities would provide nesting and roosting habitat for certain wildlife. The value of riparian areas to wildlife is underscored by the limited amount of remaining habitat that has not been disturbed or substantially altered by previous flood-control projects, agriculture, or urbanization throughout San José.

Portions of Lower Silver Creek support freshwater marsh vegetation at the toe of the banks. The presence of wetland plants, such as cattails (*Typha* spp.) and bulrush (*Scirpus* spp.), increases the wildlife value of the freshwater marsh habitat by providing cover, breeding sites, and a food base of a diversified aquatic invertebrate fauna, which forms a link in many food webs, in addition to protecting creek water quality. However, ruderal habitats and non-native grasslands on the upper banks comprise the majority of the habitat adjacent to the proposed trail. Along the revegetated banks, located between Coyote Creek and Interstate 680, non-native grasses would continue to dominate the ground cover until tree canopies have developed sufficiently to provide shade.

A variety of these riparian habitats are considered sensitive by local and state natural resource agencies due to their importance in the sustenance of wildlife. Areas that meet the regulatory definition of "Waters of the U.S." (jurisdictional waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). The California Department of Fish and Game protects state waters and associated

riparian/wetland habitats through administration of Section 1600 et seq. of the Fish and Game Code. The City of San José protects these habitats as well under the City of San José's *Riparian Corridor Policy Study*, described in greater detail below.

3.4.1.2 Vegetation Types

There are five main vegetation types within and adjacent to the Lower Silver Creek corridor along the trail alignment. These include cottonwood-willow riparian forest, coastal and valley freshwater marsh, coastal scrub, non-native grassland (ruderal), and landscaped vegetation. The following are general descriptions of these habitat types. A discussion of where these habitats occur along the trail alignment follows.

Cottonwood-Willow Riparian Forest. This habitat type is defined as a dense, broad-leafed, winter deciduous riparian forest dominated by Fremont cottonwood (*Populus fremontii* ssp. *fremontii*), as described by Holland (1986). Cottonwood-willow riparian forest is typically composed of predominantly mature trees characterized by a continuous tree canopy that provides some shade. Dominant deciduous trees commonly observed in this riparian community include Fremont's cottonwood, California sycamore, and red willow (*Salix laevigata*).

This riparian forest represents an extremely valuable biological resource and is considered a sensitive resource by the City of San José and California Department of Fish and Game. Cottonwood-willow riparian forests provides valuable wildlife habitat for terrestrial and aquatic wildlife species. Locally, cottonwood-willow riparian habitat provides a corridor for wildlife that move between habitats from the Bay to the valley floor, including through areas within city limits.

Along the trail alignment, cottonwood-willow riparian forest in its mature, undisturbed form is only found at the Coyote Creek confluence. The dense tree canopy is dominated by Fremont's cottonwood, California sycamore, red willow, and arroyo willow (*Salix lasiolepis*). Understory associates include mugwort (*Artemisia douglasiana*), western ragweed (*Ambrosia psilostachya*), western aster (*Aster chilensis*), grass-leaved goldenrod (*Euthamia occidentalis*), and coast live oak saplings. The riparian trees in this area reach over 40 feet in height and act as prime nesting habitat for local avian populations.

As mentioned above, areas along the Lower Silver Creek riparian corridor between Coyote Creek and Interstate 680 have recently been restored by the SCVWD as part of the mitigation plan for the Lower Silver Creek Watershed Project. The riparian and upland habitats within these areas are not yet established, but are in the initial growing phases characterized by 1 to 3 year-old saplings and seedlings. Riparian tree species planted as part of the restoration plan include Fremont's cottonwood, California sycamore, red willow, arroyo willow, and sandbar willow (*Salix exigua*), coast live oak, valley oak, California buckeye, and box elder.

In addition to the restoration of cottonwood-willow riparian habitat, Shaded Riverine Aquatic Habitat (SRA) would also be created. By definition, SRA cover consists of riparian vegetation that overhangs the channel and provides important shading for aquatic life. Important features of this aquatic cover include both overhead cover and instream cover:

- An adjacent bank composed of natural substrate that is often eroding and that supports overhanging riparian vegetation and vegetation that may protrude into the water.
- A channel with variable amounts of instream woody material, rocky substrate, and detritus and variable water velocity and depth.

As part of the SCVWD restoration efforts along Lower Silver Creek, the riparian plantings restored within the trail alignment would eventually serve as SRA cover for aquatic resources.

Coastal and Valley Freshwater Marsh. As described by Holland (1986), this wetland habitat type is dominated by perennial emergent monocots that can reach 12 feet in height. The marsh habitat type is found in areas that are permanently flooded and without significant current. Within the project area, this habitat type is found adjacent to the open creek channel. The marsh species occur in a narrow fringe adjacent to the water in areas in which the creek-bank slopes are steep and in broad (between 50 and 100 feet wide) bands in areas with gentle side slopes. Wetlands are found in a few patches within the creek between Coyote Creek and Interstate 680. The largest patch of freshwater marsh is located just downstream of the Interstate 680 overpass.

Within the open water of the creek, the dominant plant species found in this wetland type include broad-leaved cattail (*Typha latifolia*) and tule (*Scirpus acutus*). Adjacent to the creek along the banks, the dominant plant species observed consist of smilo grass, wild oat, curly dock (*Rumex crispus*), knotweed (*Polygonum amphibibium* var. *emersum*, *P. lapathifolium*), cocklebur (*Xanthium strumarium*), peppergrass (*Lepidium latifolium*), and ripgut brome (an extremely aggressive, invasive species). Marsh vegetation is typically very dense, with the total plant cover ranging from 80 to 100 percent cover and over 6 feet in height. At the drier end of the marsh habitat zone (lower- to mid-slope), the marsh type transitions into an upland (dry) vegetation type characterized as non-native grassland/ruderal habitat type.

Coastal Scrub. Coastal scrub as described by Holland (1986) is an upland type dominated by perennial flowering shrubs reaching up to 6 feet in height that tolerate dry, xeric (drained) soils. Dominant plant species include but are not limited to California sagebrush, black sage (*Salvia mellifera*), California buckwheat (*Eriogonum fasciculatum*), California rose, coyote brush, blue elderberry, and holly-leaf cherry. Within the project area, this habitat is currently in the beginning stages of establishment with 1 to 3 year-old seedlings appearing along the upper slopes of the Lower Silver Creek corridor as part of the ongoing restoration efforts by SCVWD. Adjacent and within these upland restored areas, the dominant plant species found include the species described below under non-native grassland/ruderal herbaceous and ruderal scrub.

Non-native Grassland/Ruderal Herbaceous and Ruderal Scrub. As described by Holland (1986), this grassland is characterized as a dense to sparse cover of annual grasses with flowering culms up to 3 feet high. In the project site, the non-native grassland vegetation type occurs just above the ordinary high water mark of the creek on both sides and extends into and/or abuts the adjacent developments. The non-native grassland/ruderal habitat also occurs as an understory component of the riparian forest and coastal scrub types throughout project area. In addition to non-native grass species, non-native annual and perennial herbaceous species occur within this habitat type.

The plant cover in this habitat type is very dense from the top of the creek banks to the SCVWD maintenance road on the north side and to the boundary line on the south side, due to the very dry, compacted, and disturbed soil conditions. Total plant cover is spare where there is rock and virtually absent where concrete bank stabilization measures have been installed (near the bridges, pump station discharge points, and in other hardscaped bank areas) that preclude plant growth. Plant diversity in this habitat type is very low and comprises non-native ruderal species.

In the project area, plant species that occur in this vegetation type include smilo grass, peppergrass, ripgut brome, fennel, mustard, radish, wild oat, soft chess (*Bromus hordaceus*), Italian thistle, bull thistle (*Cirsium vulgare*), and Harding grass (*Phalaris aquatica*). Coyote brush is scattered across the upper slopes, along with California poppy (*Eschscholzia californica*) as part of the SCVWD ongoing restoration efforts.

Landscaped Vegetation. Areas that support ornamental landscaping vegetation include areas adjacent to roadways, parking areas, and buildings throughout the trail alignment outside of the Lower Silver Creek corridor. Landscaping trees in the project area include eucalyptus (*Eucalyptus globulus*), sycamore, and pine (*Pinus* sp.), and myoporum (*Myoporum* sp.).

3.4.1.3 Habitat Types Along Alignment

The following descriptions are based on the terrestrial habitat descriptions provided in the IS/MND, EA/FONSI *for the Lower Silver Creek Watershed Project*. These habitat descriptions were confirmed in the field on March 30, 2007 and modified as necessary.

For this analysis, the trail alignment is presented in eight segments that are representative of the major habitat types along the trail alignment. These eight segments are defined as follows:

- 1 - Coyote Creek Confluence to North King Road
- 2 - North King Road to McKee Road
- 3 - McKee Road to Alum Rock Avenue
- 4 - Alum Rock Avenue to Kammerer Avenue Bridge
- 5 - Kammerer Avenue Bridge to Capitol Expressway
- 6 - Dobern Bridge to Foxdale Drive
- 7 - Foxdale Drive to Ocala Avenue (Silverstone Place)
- 8 - Ocala Avenue to Lake Cunningham Park

Segment 1 - Coyote Creek Confluence to North King Road. The riparian habitat beginning at the Coyote Creek confluence consists of a dense, mature tree canopy typical of a healthy riparian forest ecosystem dominated by native, deciduous trees with a native herbaceous understory. The transition from riparian forest to non-native annual grasslands and ruderal habitat is quite extreme as one moves upstream from the Coyote Creek confluence. The creek at this location can be described as a low-flow, earthen channel with a few isolated patches of narrow linear bands of coastal and valley freshwater marsh habitat within the creek bed. The upper banks and surrounding steep slopes are dominated by a dense carpet of non-native annual grasses with smilo grass, wild oat, and ripgut brome as the dominant associates. Along the SCVWD maintenance road, ruderal habitat persists characterized by patches of wild radish. However, the mitigation plantings that have been installed as part of

the Lower Silver Creek Watershed Project are expected to increase the overall habitat value within this segment as they mature. The SCVWD maintenance road is lined with compacted base rock in a geo cell grid. This segment includes a proposed pedestrian bridge over US Highway 101 (Figure 1).

Segment 2 – North King Road to McKee Road. In this short segment, the creek is lined with a concrete U-frame channel and the trail would be located on a flat narrow strip on top of the north-east bank. The vegetation in this location is dominated by non-native grasses with isolated patches of ruderal herbaceous species including black mustard. No riparian vegetation occurs within this segment. The SCVWD maintenance road ends at North King Road and begins again at McKee Road (Figure 1).

Segment 3 – McKee Road to Alum Rock Avenue. This first half of this segment is dominated by wetland and ruderal habitats, as the proposed trail transitions through Plata Arroyo Park. As with Segment 1, the mitigation plantings that have been installed as part of the Lower Silver Creek Watershed Project are expected to increase the overall habitat value within this segment as they mature. The wetland habitat is composed of two small circular patches of freshwater marsh with sandbars dissecting the middle of the creek bed, providing isolated nesting habitat for ground nesters. The flat upper banks are dominated by patches of wild radish, wild oat, and smilo grass. The second half of the segment from Checkers Drive to Alum Rock Avenue, the channel is concrete-lined and devoid of vegetation. The SCVWD maintenance road is a gravel dirt road but transitions to concrete at Checkers Drive (Figure 1).

Segment 4 – Alum Rock Avenue to Kammerer Avenue Bridge. This segment consists of grassland and ruderal herbaceous vegetation with isolated patches of freshwater marsh. However, the mitigation plantings that have been installed as part of the Lower Silver Creek Watershed Project are expected to increase the overall habitat value within this segment as they mature. As the channel transitions from concrete-lined to earth, there is a portion of rock riprap on both gentle sloping banks just under the Alum Rock Avenue overpass. The rock rip rap dissipates and ruderal habitat in combination with non-native grassland transitions and becomes the dominant vegetation along the banks and upper slopes in this segment. The section between San Antonio Road and the Kammerer Avenue Bridge includes a few isolated patches of narrow linear bands of freshwater marsh habitat within the creek. The SCVWD maintenance road is highly degraded from Alum Rock Avenue to the Lausett Avenue Bridge. From Lausett Avenue to Kammerer Avenue Bridge, the maintenance road is maintained (Figure 1).

Segment 5 – Kammerer Avenue Bridge to Capitol Expressway. This segment consists of wetland and grassland habitats. The dominant vegetation within the creek from Kammerer Avenue Bridge to Interstate 680 is dominated by a contiguous narrow band of freshwater marsh with the densest portions occurring just before the Interstate 680 overpass. The upper banks are flat and consist of non-native grassland in this same location. However, the mitigation plantings that have been installed as part of the Lower Silver Creek Watershed Project are expected to increase the overall habitat value within this segment as they mature. The channel transitions to a concrete-lined channel from Interstate 680 to South Jackson Avenue. After the South Jackson Avenue overpass, the channel transitions back to a soft-bottom channel and is characterized by short, steep banks dominated by non-native

herbaceous vegetation and a narrow creek channel approximately five feet wide. The SCVWD maintenance road consists of gravel and is restricted to a narrow width of approximately 6 feet (Figure 1).

Segment 6 – Dobern Bridge to Foxdale Drive. This segment consists of grassland habitats associated with several City parks and landscaped vegetation associated with the residential communities included in the trail alignment. This segment of the alignment is not within the Lower Silver Creek riparian corridor, but crosses Capitol Park, Cassell Park, and the PG&E Corridor. All vegetation within this segment can be characterized as ornamental.

Segment 7 – Foxdale Drive to Ocala Avenue (Silverstone Place). This segment is part of the PG&E corridor and consists of mostly bare ground with small patches of ruderal vegetation.

Segment 8 – Ocala Avenue to Lake Cunningham Park. This segment consists of riparian, wetland, grassland, and ruderal habitats. From Ocala Avenue, the trail alignment continues through the PG&E corridor to Cunningham Avenue with ruderal habitat. At the Cunningham Avenue and Capitol Expressway intersection, The alignment is in the street right of way and runs parallel to the northwest boundary of the park which is characterized by gentle west-facing slopes dominated by non-native grassland habitat. The trail would cross Lower Silver Creek and run parallel to Flint Creek for approximately 1,500 feet before it would enter the park just before White Road where the trail alignment ends. At this location, the creek is dominated by freshwater marsh within the creek and cottonwood-willow riparian forest on the south side of Cunningham Avenue. On the north side of Cunningham Avenue, the creek is dominated by ruderal habitat.

3.4.2 Wildlife

The riparian area included in the proposed alignment is located primarily in a highly urbanized area. The impacts from noise and pollution coupled with sparse and fragmented riparian vegetation results in generally poor habitat quality for wildlife species. Despite the low habitat quality, the riparian habitat along Lower Silver Creek provides refuge for wildlife in an urban setting. It is anticipated that several years would be necessary for the SCVWD revegetation efforts to develop into a functional riparian corridor from the confluence with Coyote Creek to Interstate 680.

The riparian habitat provides a migration corridor for waterfowl, migratory birds and a travel corridor for resident birds, small mammals, reptiles, and amphibians that move between the San Francisco Bay and the valley floor. Amphibian and reptile species potentially occupying the riparian corridor include Pacific chorus treefrog (*Hyla regilla*), bullfrog (*Rana catesbeiana*), and pond turtle (*Clemmys marmorata*). Mammal species common in rural riparian settings include Virginia opossum (*Didelphis virginiana*), raccoon (*Procyon lotor*), California vole (*Microtus californicus*), pocket gopher (*Thomomys bottae*), and feral cats (*Felis catus*) and dogs (*Canis familiaris*). Bird species potentially occurring and nesting within the project area include mallard (*Anas platyrhynchos*), mourning dove (*Zenaida macroura*), belted kingfisher (*Ceryl alcyon*), California quail (*Callipepla californica*), and various songbirds (e.g., black phoebe [*Sayornis nigricans*], yellow-rumped warbler [*Dendroica coronata*], yellow warbler [*Dendroica petechia*], lesser goldfinch [*Carduelis psaltria*], California towhee [*Pipilo crissalis*]), as well as raptors such as the American kestrel (*Falco sparverius*) and red-shouldered hawk (*Buteo lineatus*) (observed during an March 2007 survey).

3.4.3 Fisheries

Only six fish species are known to occur within Lower Silver Creek. These include five native and one introduced species: the California roach (*Hesperoleucus symmetricus*), Sacramento sucker (*Catostomus occidentalis*), three-spined stickleback (*Gasterosteus aculeatus*), prickly sculpin (*Cottus asper*), Pacific lamprey (*Lampetra tridendata*), and mosquito fish (*Gambusia affinis*). No captures of steelhead trout (*Oncorhynchus mykiss*) or wild Chinook salmon (*Oncorhynchus tshawytcha*) have ever been reported from Lower Silver Creek (Leidy 1984, 1999) or during extensive fish salvage efforts conducted during Lower Silver Creek Watershed Project construction activities. According to Leidy (1984, 1999), steelhead were captured in Penitencia and upper Coyote creeks. None were found during survey work on Lower Silver or South Babb creeks (Leidy, 1984). The SCVWD's fisheries biologists determined that the existing habitat conditions would not support steelhead and would prove hostile to steelhead in the summer due to high water temperatures (EIP, 2000). In a letter to the Natural Resource Conservation Service from Mark Helvey of the National Marine Fisheries Service (NMFS), NMFS stated that steelhead are not known to occur in the reaches of Lower Silver Creek affected by the flood protection project (Helvey, 2000). These conditions are expected to persist until the recently planted riparian and SRA species are able to provide significant shading of the creek waters and until revegetation efforts are completed on the upper reaches (from Interstate 680 to Lake Cunningham Park) of the creek. However, water temperatures in the summer months may still be too high to support steelhead in the future.

3.4.4 Special-status Species

Special-status species are defined as species that are legally protected under the California and federal Endangered Species Acts or other regulations, or species considered sufficiently rare by the scientific community to qualify for such listing.

Special-status species that have the potential to occur in the project area were identified from United States Fish and Wildlife Service (USFWS) Species Lists, California Natural Diversity Database (CNDDB), and California Native Plant Society (CNPS) List for the USGS 7.5-foot topographic quadrangle San José East.

3.4.4.1 Plants

Both the federal and state Endangered Species Act list individual plant species that are rare, endangered, or threatened. In addition, the agencies administering the two laws keep a watch list of those "species of special concern" whose numbers could significantly decline if current trends continue.

Approximately 11 special-status plant species are known to occur within the USGS 7.5-foot topographic quadrangle San José East. Four species are listed as federally endangered by USFWS: robust spineflower (*Chorizanthe robusta var. robusta*); Santa Clara Valley dudleya (*Dudleya setchellii*); Contra Costa goldfields (*Lasthenia conjugens*); and Metcalf Canyon jewel flower (*Streptanthus albidus ssp. albidus*). All four species are restricted to certain habitat types such as coastal dunes (spineflower), serpentine soils (dudleya and jewel flower), and vernal pools (goldfields). None of these specialized habitats occur within the trail alignment which reduces the probability of these federally endangered species from occurring within the project boundaries. The other seven special status species are listed by CNPS as List 1B

species and are not known to occur within the Lower Silver Creek riparian corridor. Figure 4-Plants illustrates the known locations for each special-status plant species within a two-mile radius of the project vicinity and Appendix A includes the updated special-status species table.

Although formal special-status plant surveys have not been performed, no special-status plant species have been observed during previous studies conducted during the SCVWD IS/MND, EA/FONSI or the most recent field effort in March 2007, or would be expected to occur due to lack of suitable habitat. These studies address special status plant and wildlife species included in Appendix A. As noted in this report, the project area lacks suitable habitat for the species identified as potentially occurring in the area.

3.4.4.2 Wildlife

A total of three federally listed species and four species of concern are known to occur within the USGS 7.5-foot topographic quadrangle San José East. Species listed under the federal and/or state Endangered Species Acts as threatened or endangered, which potentially occur in the project area include:

- California tiger salamander (*Ambystoma californiense*) – federal listing as threatened;
- Bay checkerspot butterfly (*Euphydryas editha bayensis*) – federal listing of threatened; and
- San Joaquin kit fox (*Vulpes macrotis mutica*) – state listing as threatened and federal listing as endangered.

CNDDB records indicate that none of these species occur within a 2-mile radius of the project vicinity as shown in Figure 5-Animals and included Table A-1 of Appendix A. In addition, all three species require specialized habitats including seasonal ponds or vernal pools (salamander), serpentine soils (butterfly), and open space grasslands (fox) that do not occur within the project alignment. Thus, the potential of these species occurring among the degraded habitats within the project area are very low to unexpected.

Species of concern are species for which existing information indicates it may warrant listing under the federal Endangered Species Act, but for which substantial biological information to support a proposed rule is lacking. The species of concern potentially occurring in the project area include:

- Western burrowing owl (*Athene cunicularia*);
- Western pond turtle (*Emys marmorata*) ;
- Opler's longhorn moth (*Adela operella*) ; and
- Hom's micro-blind harvestman (*Microcina homi*).

Of these listed species, only the western burrowing owl and western pond turtle have been observed within or adjacent to the project area over the last decade. The western burrowing owl has been sighted twice at the intersection of Cunningham Avenue and Capitol Expressway within the PG&E corridor in the abandoned field and on the western-facing slopes of the Lake Cunningham Park on the east side of the intersection in June and July of 2004 (CNDDB, 2007). In addition, the western pond turtle was sighted in March of 1998 on the corner of McGee Road and Educational Park Drive, approximately 0.5 mile southwest of I-680 within the Overfelt Percolation ponds. During the site visit on March 30, 2007, three unidentified turtles were observed within the still waters of Lower Silver Creek within

freshwater marsh wetland habitat and cottonwood-willow riparian forest overstory located at the Cunningham Avenue Bridge which spans over Lower Silver Creek just before White Road and the entrance into Lake Cunningham Park. This observation was obstructed by a locked gate and the field biologists were unable to obtain a positive identification on the three turtles. In any case, these two species of special concern are addressed in the avoidance and minimization measures for biological resources provided at the end of this Section.

3.4.4.3 Fisheries

NMFS has grouped steelhead into distinct population segments (DSP) and Chinook salmon populations into evolutionary significant units (ESUs) based on two criteria: the population must be reproductively isolated, and it must represent an important component in the evolutionary legacy of the species. The Central California Coast steelhead DPS has been listed as threatened under the federal Endangered Species Act. However, NMFS considers the Chinook salmon in the region to be part of the Central Valley fall-run and late-fall Chinook salmon ESU, and have determined that it does not warrant listing. However, the species is considered a candidate species.

Lower Silver Creek, as previously described, is not designated as critical habitat for the Central California Coast steelhead or Chinook salmon. Nor is this creek thought to harbor either of these special-status fish species (Helvey 2000).

3.4.4.4 Migratory Birds

The federal Migratory Bird Treaty Act (MBTA; 16 U.S.C., §703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season (February to July) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA.

Lower Silver Creek is known to harbor avian species covered under the MBTA including nesting waterfowl. Species observed in the project area include: mallard (*Anas platyrhynchos*); hooded merganser (*Lophodytes cucullatus*); snowy egret (*Egretta thula*); belted kingfisher (*Ceryle alcyon*); great egret (*Ardea alba*); great blue heron (*Ardea herodias*); house finch (*Carpodacus mexicanus*); white-crowned sparrow (*Zonotrichi leucoprys*); bushtit (*Psaltriparus minimus*); black phoebe (*Sayornis nigricans*); American robin (*Turdus migratorius*); yellow-rumped warbler (*Dendroica coronata*); and Anna's hummingbird (*Calypte anna*).

3.4.5 Riparian Corridor Policy Study

Implementation of the master plan will meet the trail design and construction guidelines presented in the City of San José's *Riparian Corridor Policy Study*. The study complements policies within the General Plan and provides the City "information to identify and manage its riparian resources in an environmentally sensitive manner to protect them for environmental as well as recreational purposes." Specific guidelines are provided that address recreational trails located in riparian areas and are proposed in the master plan. These include the following:

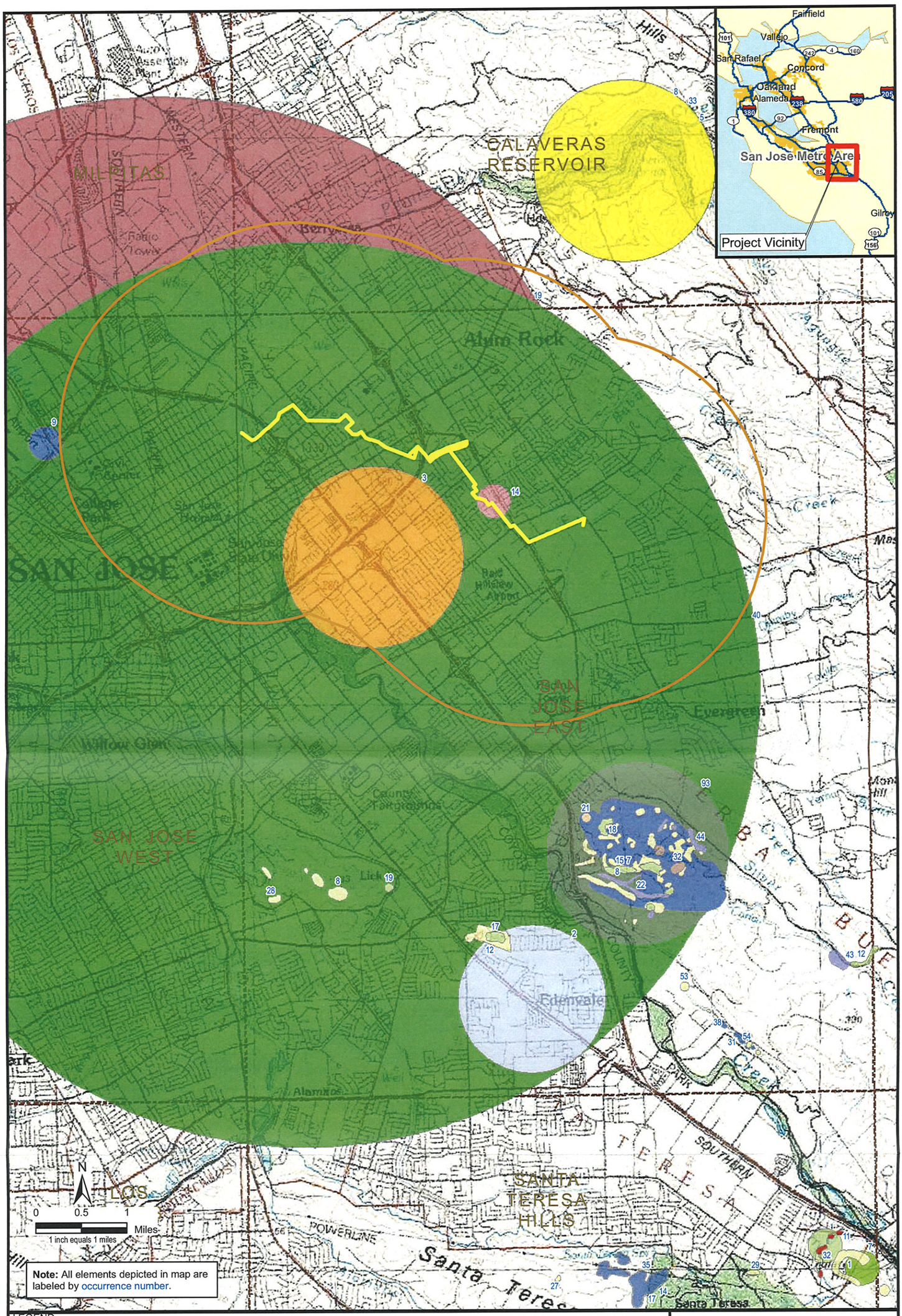

FIGURE 4
SPECIAL STATUS SPECIES PLANTS/COMMUNITIES CNDDB - MARCH 2007
LOWER SILVER CREEK OVERVIEW
SANTA CLARA COUNTY, CALIFORNIA

BAO \\ZINFANDEL\PROJ\CALLANDERASSCLANDSAP\346213SJLSCIS\GIS\MAPFILES\LOWERSILVERCREEK_CNDDB_PLANTS.MXD LOWERSILVERCREEK_CNDDB_PLANTS.PDF 4/5/2007 22:53:16

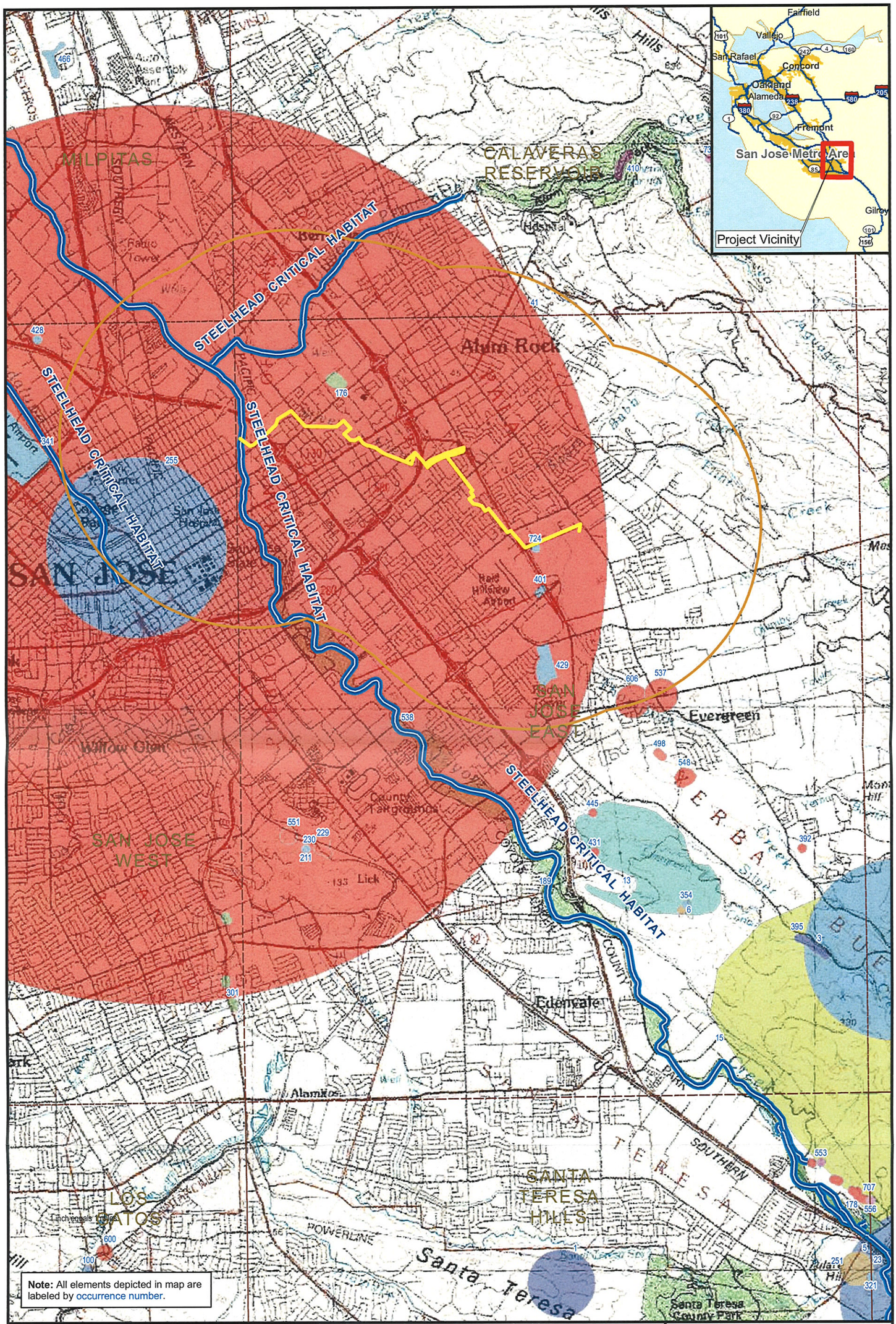

FIGURE 5
SPECIAL STATUS SPECIES ANIMALS/ INSECTS
CNDDB - MARCH 2007
LOWER SILVER CREEK OVERVIEW
SANTA CLARA COUNTY, CALIFORNIA

BAO \\ZINFANDEL\PROJ\CALLANDERASSCLANDSAP\346213SJLSCIS\GIS\MAPFILES\LOWERSILVERCREEK_CNDDB_ANIMALS.MXD LOWERSILVERCREEK_CNDDB_ANIMALS.PDF 4/5/2007 22:47:26

- Guideline 4C - Trail Design and Construction: Trail development "should use existing top-of-bank flood control maintenance roads where these are available and the uses are compatible. Trails should be designed to minimize cut and fill and vegetation disturbance. " The LSC master plan would create a trail on the flood control maintenance road to limit disturbances to riparian habitat and wetlands.
- Guideline 4C - Trail Design and Construction: Trail development "should be designed to direct drainage away from direct entry to the creek." The master plan proposes the use of compacted base rock for the trail surface which is porous and allows for water to percolate into the trail rather than down towards the creek corridor. The use of compacted base rock will prevent water from collecting and directly draining to the creek. In addition, a vegetated strip will separate the LSC trail from the active channel.
- Guideline 2E – Lighting: "Lighting on development sites should be designed and sited to avoid light and glare impacts to wildlife within the riparian corridor, consistent with public safety considerations." No artificial lighting is planned for this project, except for low-intensity, shielded lighting for the pedestrian overcrossing.

3.4.6 Ordinance-sized Trees

The City of San José maintains the urban natural landscape partly by promoting the health, safety, and welfare of the City and by controlling the removal of ordinance sized trees. Ordinance sized trees are defined as trees over 18 inches in diameter (56 inches in circumference) at a height of 24 inches above natural grade. The City's tree ordinance applies to both native and non-native species. A tree removal permit is required from the City of San José for removal of ordinance-sized trees. The only area that may impact ordinance-sized trees in the trail alignment is the proposed location of the pedestrian bridge overcrossing at US Highway 101. There are a line of approximately 10 Chinese elm trees (*Ulmus parvifolia*) with a range in diameter of 12 to 24 inches at 24 inches above grade that may be affected by the proposed bridge location. If the final trail design cannot avoid existing trees, a tree survey shall be prepared and a tree replacement plan, consistent with City of San Jose tree replacement standards will be implemented at the following ratios provided in Table 4.

TABLE 4
City of San José Tree Replacement Standards

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
17.8 inches or greater (56.0 inches circumference or greater)	5:1	4:1	3:1	24-inch box
12 – 17.7 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

3.4.7 Heritage Tree Policy

Any tree that is found by the City Council to have special significance could be designated as a heritage tree, regardless of tree species or size. City-designated heritage trees are considered sensitive resources. Per the City of San José municipal ordinance, it is unlawful to vandalize, mutilate, remove, or destroy heritage trees. There are no designated heritage or other trees at the immediate project site.

3.4.8 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
IV. BIOLOGICAL RESOURCES — Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources

a) Construction activities would generate an increase in noise and human activity within the riparian corridor and upland grassland. These activities may potentially impact special status wildlife species and/or disrupt bird nests during the breeding season. These species are identified below.
b) Grading activities associated with trail paving has the potential to generate erosion and sedimentation of the creek and adjacent habitat. Long-term use of the trail could result in tramping of vegetation and sedimentation of the creek if trail users leave the designated trail and enter riparian habitat. These effects are discussed below.
c) No filling of wetlands or open water habitat would occur during the construction of trail facilities; however, erosion and sedimentation may temporarily affect the channel during construction.
d) The potential for erosion during construction may temporarily increase sedimentation in the aquatic habitat of the creek. During operation, the increase in impermeable surface and associated runoff would have a minimal affect on aquatic habitat. The project would not create any substantial barriers to movement or migration of wildlife.
e) There are no trees within the project impact area that qualify as designated heritage trees pursuant to City policy. Most of the trail would comply with the City's Riparian Corridor Policy.
f) A Habitat Conservation Plan or similar type of plan has not been adopted for the project area. A portion of the creek corridor, between US Highway 101 and Interstate 680 is designated as SCVWD biotic mitigation sites where restoration is occurring. Construction of the trail facilities would not encroach into these areas.

Discussion: Local wildlife have acclimated to existing human activities, including noise, highway and street traffic activity, maintenance vehicles at the project site, and informal use of the trail alignment and therefore anticipated impacts from trail construction and future trail use are expected to be minor. Nonetheless potential for impacts will be further reduced with the implementation of proposed mitigation measures.

3.4.8.1 Construction

Project construction activities involve heavy equipment that could generate an increase in noise and human activity adjacent to the Lower Silver Creek riparian corridor and the upland grassland. Such activities could affect wildlife species that are unable to relocate themselves such as small mammals, amphibians, reptiles, and nesting birds. Construction activities would also temporarily disturb the use of affected or adjacent habitats by wildlife. This is considered a less-than-significant impact with the application of mitigation measures such as pre-construction wildlife surveys and erosion control measures which will avoid and protect the natural resources presently within the Lower Silver Creek riparian corridor.

In addition, increased noise and human activity due to proposed construction have the potential to cause disruption to several sensitive bird species that may be nesting within the adjacent riparian habitat at the Coyote Creek confluence and along Cunningham Avenue where Lower Silver Creek reaches Lake Cunningham Park via Flint Creek. Such species may include white-tailed kite (*Elanus leucurus*), Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), and red-shouldered hawk (*Buteo lineatus*). This is a potentially significant impact. Although adverse effects are unlikely; due to the level of disturbance generated by construction activities in comparison to the existing disturbances such as noise and activity from adjacent roadways, and use of the maintenance road by vehicles and pedestrians, potential impacts to nesting birds are considered significant. Mitigation measures described below such as a pre-construction nesting survey, would be implemented to reduce potential significant impacts to nesting birds to a less-than-significant level as required by the Migratory Bird Treaty Act.

Lastly, construction activities in Segment 1, including the installation of an approximately 765 linear feet pedestrian bridge over US Highway 101, may have significant impacts on biological resources. The location of the proposed bridge is outside of the creek channel and associated riparian habitat. The area includes primarily ruderal vegetation, and is subject to noise and other disturbances associated with heavy vehicle traffic on US Highway 101. Construction of the bridge would not impact riparian or wetland habitats, however, approximately ten ordinance-sized trees may need to be removed at this location.

If a tree removal permit is granted and removal occurs during the breeding season (February through July), a nesting survey would be conducted no more than one week prior to tree removal to ensure no impacts occur to nesting birds. If nesting bird species are observed, a qualified biologist shall determine an appropriate buffer zone around the nest, and construction within the buffer zone shall be postponed until all young have fledged, as determined by the qualified biologist.

Sedimentation. Earthmoving activities associated with trail construction may loosen soils and sediments on the tops of the levees. The minor earthwork activities associated with these activities have the potential to generate erosion and sedimentation of the creek and adjacent habitat, and could result in short-term pulses of sediment entering the creek during the first storm events following construction. During the rainy season, a large storm may increase flow in the creek, dislodging loose soil/sediments, and carry it downstream. Increased overland runoff over loosened soil/sediment during storm events may also increase sediment input to the creek. Although most of the affected areas are disturbed or in the early stage of restoration, and the grading activities are expected to be relatively minor, potentially-significant impacts to the quality of the riparian, wetland habitat, and open water habitats may result from construction-related sedimentation. Implementation of erosion control and water quality protection measures described below would limit this impact to a less-than-significant level.

Vegetation Removal. Construction will occur mostly within the existing SCVWD maintenance road. The only anticipated vegetation removal are localized clearing of vegetation at access ramps and clearing in upland ruderal areas within the PG&E corridor. Ornamental vegetation and street trees, including ordinance-sized (protected) trees may need to be removed, or have limbs removed, to provide clearance for installation.

Environmentally-sensitive Areas and Special-status Species. The City proposes to build the trail by improving the existing SCVWD maintenance roads. The project area is limited primarily to existing levee tops, maintenance roads, and undercrossings at intersecting roadway bridges, with minimal impacts to adjacent upland areas. No work is planned to occur in wetland or riparian areas located on the south or west side of the creek downstream from Interstate 680 or existing riparian areas located in Lake Cunningham Park. The construction activities associated with this project are not expected to result in direct impacts to the creek, including its freshwater marsh and open-water habitats.

It is possible that inadvertent construction access into riparian woodland and wetlands could occur. These actions may have temporary adverse affects on the quality of riparian, wetland, or open-water habitats. Special-status wildlife species could be killed, injured, or otherwise affected by the incursion of construction vehicles into the creek corridor. While the likelihood is minimal, this is a potentially significant impact. Implementation of avoidance and

minimization measures, including pre-construction surveys, environmental training for City crews or contractors by a qualified biologist, and designation of environmentally sensitive areas with fencing, would reduce the potential for this impact to a less-than-significant level by assuring that special-status species are not within the work areas, construction vehicles remain on the existing maintenance roads and that site workers remain out of sensitive riparian areas.

Dispersing sensitive species may be briefly present on the levee tops, and could be directly impacted by construction vehicles and equipment. This is a potentially significant impact that would be limited to a less than significant level by implementation of mitigation measures described below.

Species listed under the federal or California Endangered Species Act, or candidate species have not been observed and are not expected to occur in the project area, due to a lack of suitable habitat. The western burrowing owl and western pond turtle are the only two species of concern known to occur within the project area, specifically within Segment 8 - Ocala Avenue to Lake Cunningham Park. Implementation of avoidance and minimization measures, including preconstruction surveys, designation of environmentally sensitive areas with fencing, and environmental training for City crews or contractors would reduce the potential for this impact to a less-than-significant level by assuring that construction vehicles remain outside of potential occupied habitat. As discussed below, project avoidance and mitigation measures would limit any potential impact to special-status wildlife and other protected natural resources. Thus, no significant impact to special-status species or other sensitive species is anticipated to result from project construction activities.

3.4.8.2 Use and Maintenance

Impermeable Surfaces. An increase in impermeable surface has the potential to increase erosion from storm water flows. However, as discussed under hydrology and water quality Section 3.8 below, the change in permeability from the existing compacted base rock surface would not be substantial, and the increase in stormwater runoff would not result in significant impacts. Therefore, the minimal increase in impermeable surface at the access ramps or pedestrian bridge landings following trail construction would be unlikely to significantly impact any sensitive habitat or special-status species.

Increased Use. Designation of the trail would increase human uses immediately within and adjacent to the creek and its associated riparian habitat, as the trail is expected to attract a number of recreational users. Off-trail use may result in trampling or other degradation of the wetland, riparian, or open-water habitat (e.g., deposition of trash). Degradation of the riparian woodland and creek resources is a potentially significant impact to biological resources.

Long-term use of the trail may generate tramping of vegetation and sedimentation of the creek if trail users leave the improved trail to use the riparian habitat areas. Any sedimentation of the creek resulting from increased human use within aquatic and near-aquatic areas of the corridor may affect species that reside in the stream. This is a potentially significant cumulative impact. However, the existing conditions along the trail, including steep levee banks, dense vegetation, and moist soils, provide deterrents to most off trail use. These conditions along with mitigation measures that include signs directing users to stay on the designated trail would limit this impact to less-than-significant level.

Dog owners would be allowed to walk their dogs on-leash along the trail. Dog waste bag dispensers and trash receptacles would be located on the trail as part of the project. The majority of potential adverse effects associated with the introduction of dogs to the area are expected to occur as a result of possible off trail use. Off-leash dogs may leave the designated trail area and disturb wildlife use of the riparian area. This is a potentially significant impact. However, leash laws are subject to enforcement along the trail (SJMC 7.08.590) and would be described on the trail signs at the entrance to the trail and, possibly, accompanying the dog bag dispensers. This should discourage off-leash dog walking along the trail alignment. Assuming that the trail rules and enforced leash laws are observed, there would be no significant impacts from dogs walking along the trail.

No artificial lighting is planned for this project with the exception of along the proposed pedestrian bridge, which is in an urbanized area.

Impact: The following potentially significant impacts have been identified.

Impact Bio-1: Construction could result in impacts to special-status or otherwise protected species potentially occurring in the project area. This includes, but not limited to, nesting migratory birds, burrowing owls, and western pond turtles. This could occur through disturbance from construction activity, direct impacts from equipment, or sedimentation resulting from grading.

Impact Bio-2: Indirect impacts to the riparian habitat and the creek may also result through inadvertent construction access into riparian woodland and wetlands, or sediments entering these habitats during or after construction.

Impact Bio-3: Construction could result in impacts to trees within the project area. This includes a line of approximately 10 Chinese elm trees with a range in diameter of 12 to 24 inches at 24 inches above grade that may be affected by the proposed bridge location over US Highway 101.

Impact Bio-4: Use of the trail after construction could result in impacts to special-status or otherwise protected species potentially occurring in the project area, and sensitive habitat such as riparian or wetland areas. This could occur through unauthorized off-trail use by pedestrians or dogs.

Mitigation: Mitigation Measure Bio-1: To avoid impacts to special-status or otherwise protected species potentially occurring in the project area, the City would provide an on-site biologist as necessary to oversee biological components of the project, including conducting pre-construction surveys for special-status species, providing environmental awareness training, designating environmentally sensitive areas, and if necessary, establishing buffers and placing temporary exclusion fencing. In addition, a 10-mile per hour speed limit would be required along all access roads during construction activity.

To prevent nest abandonment or other disruption of nesting by birds protected under the Migratory Bird Treaty Act, the City of San José shall either schedule construction outside the nesting season for sensitive bird species (which spans February through July) or, if not feasible, have a qualified biologist conduct

pre-construction surveys for nesting birds along the trail corridor no more than 14 days prior to onset of construction. If nesting bird species are observed, the biologist shall determine an appropriate buffer zone around the nest, and construction within the buffer zone shall be postponed until all young have fledged, as determined through monitoring. The recommended buffer identified by the California Department of Fish and Game (CDFG) is 250 feet. Because of the narrow width of the project area, a 250-foot buffer may not be feasible in all areas. Before installation activities, the biologist would fence, or otherwise identify in the field, the boundary of all construction areas to avoid accidental entry into potential nesting areas by construction equipment. The City would consult with CDFG on buffer width before commencing construction activities. The City would immediately cease work and contact CDFG if a young bird has prematurely fledged the nest as a result of construction-related activities.

To avoid potential effects to burrowing owls and western pond turtles, a qualified biologist would conduct pre-construction surveys in accordance with the CDFG code, to determine whether these species are present within or adjacent to construction areas. If present, the City would provide the results of the survey to CDFG and would follow avoidance and/or mitigation measures developed in consultation with CDFG.

Mitigation Measure Bio-2: To avoid indirect impacts to riparian, wetland, and open-water habitat that occur in and along the banks of Lower Silver Creek, the City of San José, shall incorporate measures to preclude erosion or sediments from entering the creek during construction activities. These measures are detailed in Section 3.8, Hydrology and Water Quality, and would also reduce the potential sedimentation impacts to western pond turtles and other aquatic wildlife. In addition, the following measures would be implemented where necessary during all phases of construction on the project site:

- Identify with temporary construction fencing or other obvious methods, all areas that require clearing, grading, revegetation, or would be otherwise disturbed.
- Stabilize any areas of disturbed soils to minimize erosion and sediment input to the creek.
- Implement erosion control measures where necessary to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments.
- Ensure that any open trenches would have wildlife escape ramps present at all times.
- Conduct erosion control seeding of all disturbed areas as soon as practicable after construction.

- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeding and repair of silt fencing) if sedimentation or erosion is noted.

Mitigation Measure Bio-3: If the final trail design cannot avoid existing trees, a tree survey shall be prepared and a tree replacement plan will be implemented using the tree replacement standards and mitigation ratios provided in Table 4 above in Section 3.4.6.

The City would provide an on-site biologist as necessary to oversee biological components of the project, including conducting pre-construction surveys, providing environmental awareness training (e.g., checking under vehicles for wildlife), designating environmentally sensitive areas, and if necessary establishing buffers and placing temporary exclusion fencing.

Mitigation Measure Bio-4: To avoid impacts after construction, interpretative and caution signage will be posted in areas with suitable habitat for special-status species to educate trail users and prevent future direct impacts to sensitive biological resources within the LSC riparian corridor. In addition, signs stating the trail rules will be posted at all entrances to the trail

3.4.9 Conclusion

The biotic impacts identified for the proposed project would be avoided or reduced to levels that are less than significant with the implementation of mitigation measures.

3.5 Cultural Resources

A records search was conducted by the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) on March 28, 2007 (NWIC File No. 06-1505). Historic buildings are located adjacent to (but not within) the project area; they would not be affected by the project.

No specific archaeological or paleontological resources, or historic, religious or sacred sites were discovered or are known to exist along the banks of Lower Silver Creek within the project limits.

Deep alluvial deposits characterize the area. Fossils do not occur in alluvium, and Undivided Tertiary Sedimentary Rock is not considered to be fossil-bearing. No paleontological resources are expected to occur within the project limits. Earth-moving activities associated with the either plan would not occur within fossil-bearing strata, and no paleontological resources would be affected.

3.5.1 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
V. CULTURAL RESOURCES — Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X	1, 3
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 3
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	1, 3
d) Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 3

a) No known/recorded historic resources are present in the project area.

b) Although project construction is not anticipated to impact any known archaeological resources, there is potential for impacts to occur to previously unrecorded sites. In the event that archaeological resources are encountered during construction, the mitigation measure CUL-1 would be implemented.

c) No known paleontological resources or unique geologic features are known to occur at the project site or vicinity.

d) Human remains are known to occur in the project area. In the unlikely event that human remains are encountered during construction, the mitigation measure CUL-1 would be implemented..

Discussion: The trail alignment is highly disturbed, most recently by the construction of levee/flood control improvements. Construction activities associated with implementation of the proposed improvements involve a limited amount of earth-moving activity (e.g., grading, excavation, etc.) in areas that have not been previously disturbed. Further, the magnitude of potential disturbance would be limited, involving the construction of features such as signs, fencing, or other minor facilities. The likelihood of encountering historic or pre-historic resources during construction activities is considered low. However, any impact to previously unknown archeological resources would be potentially significant.

The project does not involve the use of, or any change to, historic resources in the vicinity of the project; no direct impact to historic resources would result from project implementation. Minor changes to the visual environment due to the proposed project improvements would not substantially affect the integrity of any known/recorded historic resources.

Impact: CUL-1: Project construction activities would result in a low probability of disturbing pre-historic cultural resources. However, any impact to cultural resources would be potentially significant. Project mitigation provided below would ensure that no significant impacts to cultural resources result from project implementation.

Mitigation: Mitigation CUL-1: The following measures would be incorporated into project construction activities:

- In the event that prehistoric or historic resources are encountered during earthmoving activities, all work within 25 feet of the find would stop. The City of San José's Director of Planning, Building and Code Enforcement would be notified, and a qualified archaeologist would examine the find and make appropriate recommendations for collection, recordation and analysis of the find.

In compliance with California state law, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

3.5.2 Conclusion

Project implementation would not affect known cultural resources. There is a low likelihood that project construction activities would disturb previously-unknown cultural resources. In conjunction with project mitigation measures discussed above, no significant impacts to cultural resources are anticipated to result from project implementation.

3.6 Geology and Soils

3.6.1 Setting

The proposed Lower Silver Creek trail is located on recent alluvium approximately 1,000 feet thick which overlies Pleistocene Older alluvium. This alluvium is largely derived from and overlying the Miocene marine sandstones and shales which form the hills to the east. These formations include: the San Pablo Group of marine sandstones, the Monterey Formation which consists of marine sandstone and shale and rhyolite volcanic rocks (California Geological Survey, 1990).

The Uniform Building Code (UBC) designates the entire South San Francisco Bay area as Seismic Activity Zone 4, the most seismically active zone in the United States. Ground shaking at the project site during a seismic event has the potential to be strong to very strong, as determined by the United States Geological Survey (USGS). Earthquakes can cause substantial lateral or vertical land surface adjustments, as well as liquefaction of fine-grained deposits or areas of loose unconsolidated fill.

The entire proposed trail lies in areas where historic occurrence of liquefaction, or local geological, geotechnical, or groundwater conditions indicate a potential for permanent

ground displacements based on the State of California Seismic Hazard zones official map (2001). Most of San José is in this category.

Known major faults and approximate distances from the project site (Figure 6, Active Faults) include the Hayward Fault (two miles east), the Calaveras Fault (5 miles east), and the San Andreas Fault (14 miles west). The inferred trace of the inactive Silver Creek Fault is approximately 0.5 miles west of the start of the trail (California Geological Survey). The inferred trace of the inactive Evergreen Fault is approximately one half mile east of the end of the trail.

The active trace of the Hayward fault is two miles east of the end of the trail and there is a second unnamed active trace one mile east of the end of the trail on the Alquist-Priolo Special Studies Zones revised official map.

3.6.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
VI. GEOLOGY AND SOILS — Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		15
ii) Strong seismic ground shaking?			X		14,15,16
iii) Seismic-related ground failure, including liquefaction?			X		15,16
iv) Landslides?				X	
b) Result in substantial soil erosion or the loss of topsoil?			X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	

a) The project is at least a mile from a known active fault trace. However, the entire area is in an active seismic zone.

b) Earthmoving during construction has the potential to produce limited erosion.

c) The proposed alignment is mainly located on engineered material (access roads) which have been engineered to current UBC seismic requirements and new path construction would also meet current requirements.

d) There would not be substantial risks to life or property from any expansion of soils affecting the proposed trail surface.

e) No waste water disposal or septic systems are required for the project.

Discussion: The project site is at least a mile from known active faults. However the entire area is within Seismic Zone 4, the most seismically active zone in the country. Therefore strong to very strong ground shaking from earthquakes is possible during project operation (ABAG, 2007). Trail construction would be in conformance with Unified Building Code for Zone 4 which would limit potential seismic induced impacts to a less than significant level.

Excavation and grading during trail construction has the potential to create erosion and sedimentation. Earthmoving activities are relatively limited in area and volume and no significant soil erosion is anticipated. The project would comply with the City of San José Grading Ordinance and Zoning Ordinance, which would limit potential impacts during construction.

Impacts: Potential impacts to geology and soils would be less than significant. No mitigation measures are required or recommended.

3.6.3 Conclusion

Implementation of the project would not result in any significant impact involving geology and soils.

3.7 Hazards and Hazardous Materials

The following discussion is based on the Initial Study performed for the Lower Silver Creek Flood Control Project prepared by SCVWD in 2000, a review of the draft trail alignment plan and details prepared by Callander Associates and dated January 3, 2007, a review of photographs and aerials along the proposed trail, and a review of the Envirostor database of hazardous materials sites maintained by the California Department of Substances Control site and consistent with Government Code Section 65962.5.

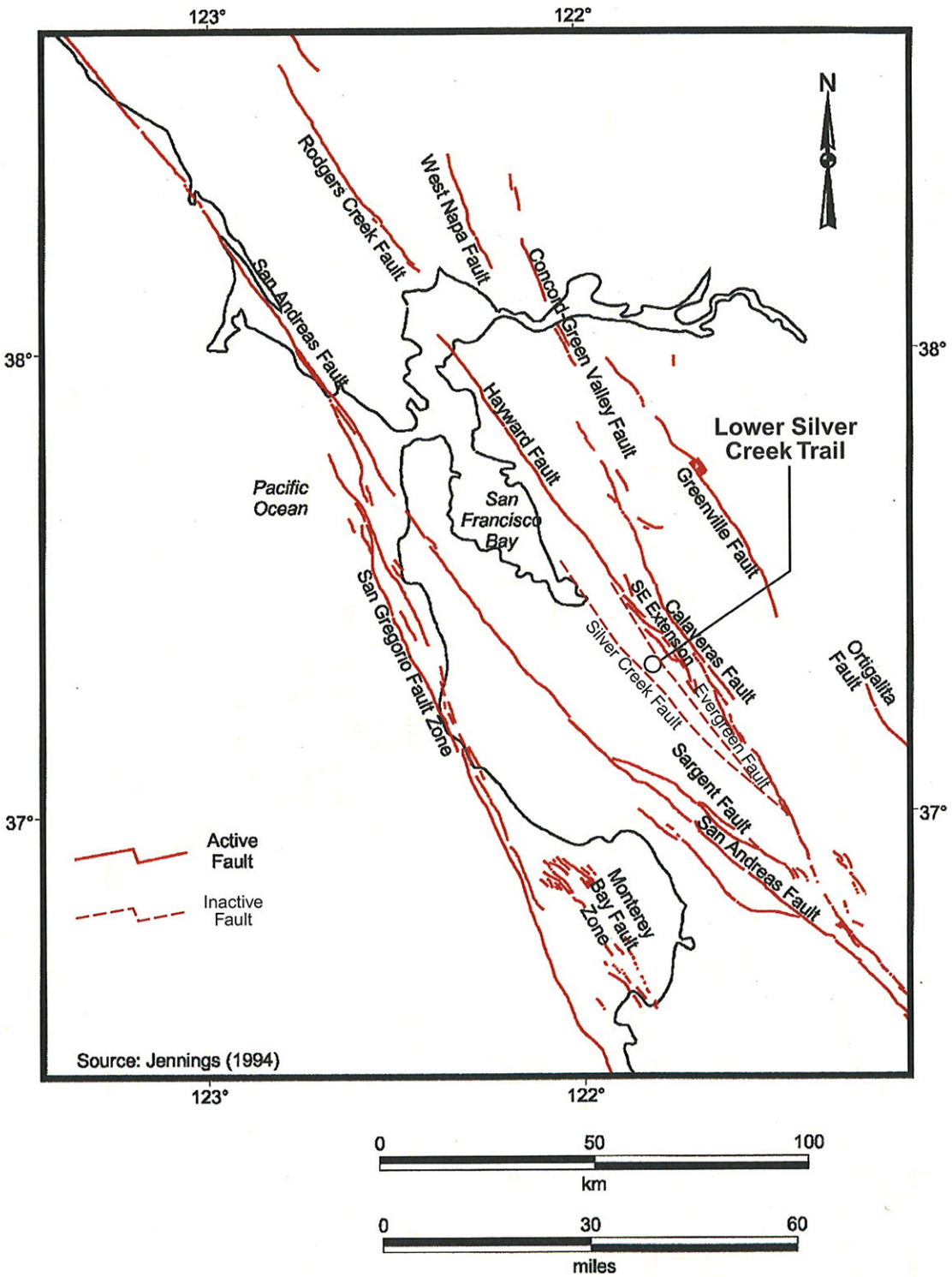

FIGURE 6
LOCATION OF REGIONAL ACTIVE FAULTS RELATIVE TO LOWER SILVER CREEK TRAIL
LOWER SILVER CREEK TRAIL PLAN

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3.7.1 Setting

The urbanized environment surrounding the project site includes industrial, commercial, residential, recreation, and school land uses. No substantial areas of open space subject to wildfire are located adjacent to the project alignment. Where grass vegetation is present along the riparian corridors (Segments 1 through 5 and 8) and within the PG&E corridors (Segments 6 and 7) maintenance activities are performed to mitigate the potential fire hazard. An airport (Reid-Hillview) is located adjacent to a portion of Segment 8. The construction and future use of the project would not result in additional people residing in the project area and would be confined to the right-of-way and not intrude into air space. The project is adjacent to the following schools: Mildred Goss Elementary, Sylvia Cassell Elementary, and Lee Mathson Middle School. The project is also adjacent to the following parks: Watson Park, Plato Arroyo Park, Capitol Park, and Lake Cunningham Park.

Nearby commercial and industrial land uses, including manufacturing and underground fuel storage, have resulted in the presence of hazardous materials in the project vicinity as noted by the Envirostor search of hazardous materials release sites. The potential effects of these hazardous materials on human health depend on the concentration, pathways of exposure, duration of exposure, and the sensitivity of the receptors to the specific chemicals. The following summarizes the findings and conclusions based on review of current information and proposed activities in terms of potential or known hazardous materials at the project site.

- The project alignment is not adjacent to listed hazardous materials release site found in the Envirostor database that includes sites listed under Federal Superfund, State Response, Voluntary Cleanup, School Cleanup, Geotracker LUFT (Leaking Underground Fuel Tanks) or Geotracker SLIC (Spills, Leaks, Investigation and Cleanup). Therefore, no specific workplan or remediation is required or anticipated for this project. This finding is consistent with the Lower Silver Creek Flood Control project where no part of this project was included on a list of hazardous material sites pursuant to Government Code Section 65962.5 (Emcon Associates, 1991; Harza Kaldveer Consulting Engineers, 1993; and D&M Consulting, 2000).

- There are many closed and several active petroleum release sites in the vicinity of the project as noted in the Geotracker LUFT site list. These sites are former or current petroleum service stations and commercial or light industrial businesses that stored petroleum products in underground tanks. Releases from these sites are not likely to have an impact on this project because: 1) the releases are generally limited to soil and shallow groundwater at the listed site and do not extend significant distances offsite; and, 2) petroleum hydrocarbons would be limited to soil at depths of approximately 8 or more feet below ground surface (depth of highest groundwater) and shallow groundwater.

- Hazardous materials may be present in shallow soil along the alignment due to normal application of pesticides and herbicides used to control plant growth and mitigate fire hazards. These areas include the PG&E right-of-way and the areas along the existing access ways along Lower Silver Creek. The concentrations and normal application of these materials, if applied, would not be expected at concentrations that pose a risk to

human health or warrant special handling beyond best management practices for grading and dust control.

- Hazardous materials may also be present in shallow soil due to past application of pesticides and herbicides when much of the San José area was agricultural. Although pesticides and herbicides used historically are no longer used, it is expected that concentrations of pesticides and herbicides that may be present in shallow soil would be consistent with background concentrations for the area. Therefore, no special handling measures beyond best management practices for grading and dust control are required.
- Hazardous materials may be present in limited areas along the alignment due to indiscriminate dumping of household or commercial wastes. However, no such areas were identified on the project site based on a review of site photographs and taking into account the routine removal of waste materials along the existing right-of-way.
- Hazardous materials or substances would be used as a part of construction equipment needed for the project. These materials are expected to include automotive fuels, diesel fuel, and lubricating oils necessary for operation of construction equipment. Oil or fuel leaks could occur if the equipment were not property repaired and maintained. Construction activities and use of hazardous materials during construction would follow best management practices and regulatory requirements for containment, spill prevention, dust control, storm water runoff management, and other applicable requirements such as SCVWD standard specifications for pollution control measures.

The above findings are consistent with the conditions noted in the 1983 FEIR/FEIS for the Lower Silver Creek Flood Control Project, as well as in the Lower Silver Creek Watershed Project Initial Study/Negative Declaration (EIP 2000).

3.7.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 9
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 9
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		1, 2, 3

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 2, 9
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	1, 3
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	1, 3
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2, 3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	1, 2, 3

a) Project operations do not involve the transport, use or disposal of hazardous materials. Use of limited volumes of classified materials during construction (e.g., equipment fuels, solvents, lubricants, etc.) would be subject to best management practices that would ensure no significant impacts result in case of accidental spills.

b) Due to the existence of known or possible hazardous materials along the Trail alignment, construction activity has the potential for risk of upset of these materials. Implementation of mitigation measures would limit the potential impacts from risk of upset to a less than significant level.

c) Project implementation does not involve the emission of hazardous substances or the direct handling of acutely hazardous material.

d) The proposed trail alignment does not occur on a hazardous materials site, as compiled pursuant to Government Code Section 65962.5.

e) The project is directly adjacent to the Reid-Hillview Airport. Trail operations would not result in a safety hazard to people working or residing at or near the airport or trail users.

f) The proposed trail alignment is not within the vicinity of a private airstrip.

g) Project implementation would result in enhanced mobility for various levels of transit, including cyclists, pedestrians and vehicles. No impact to implementation or obstruction with emergency response plans would occur.

h) The project environment is dominated by a water environment and surrounding urban land uses. There is no potential for wildfires associated with the project.

Discussion: As noted above, the setting of the proposed alignment is in the vicinity of identified releases of hazardous materials and includes the possible use of hazardous materials for vegetation maintenance and past agricultural use. The proposed project would

be constructed atop recently completed flood control improvements and the amount of excavation and soil movement would be limited to areas where ramps are needed to transition from streets and sidewalks to the existing gravel maintenance road along the creek. It is anticipated that little or no soil would removed from during project construction and any soil removed from the project would be properly handled. Therefore, the potential to disturb known or potential hazardous materials is very limited and no significant impact is likely to occur. However, project implementation would include the following best management practices to further reduce the potential impacts to a less-than-significant level.

Impact: HAZ-1: Construction of proposed project has a limited possibility for risk of upset if hazardous materials are encountered. However, the impact is potentially significant; mitigation measures would be applied to reduce the impact to a less-than-significant level.

Mitigation: Mitigation HAZ-1: Earthmoving activities during construction would incorporate provisions for handling of soil that has obvious odors or contains waste materials such as construction debris, household waste and other potentially deleterious materials. These provisions would include protocols for testing, classifying and, if necessary, treatment and offsite disposal of soil and water. Specifically, if evidence of petroleum odors, discolored soil, or waste materials is found during the limited excavation activities required for construction; the soil would be tested in accordance with requirements of classification of waste materials (Title 22 of the California Code of Regulations) and removed and disposed of at a suitable offsite, permitted, facility. If testing indicates non-hazardous or background levels, soil may be used onsite or disposed of at Class II or Class III landfill. If hazardous substances are found and exceed applicable regulatory screening levels and criteria then the soil would be disposed of at a permitted disposal facility. Provisions for dust control as required for all grading projects would mitigate the potential for soil with potential hazardous constituents to be scattered to other areas.

3.7.3 Conclusion

The potential for risk of upset would result in a less-than-significant impact with the application of mitigation measures.

3.8 Hydrology and Water Quality

3.8.1 Setting

Lower Silver Creek originates at an elevation of 180 feet AMSL upstream of Lake Cunningham. From its origin, the creek drains northwest through heavily-populated eastern San José toward San Francisco Bay. Major tributaries to Lower Silver Creek include: Thompson, Miguelita, North Babb, South Babb, Flint, and Ruby creeks. Thompson Creek is the largest tributary with a watershed area of 20.9 square miles and accounts for almost half of the total watershed area for Lower Silver Creek. Thompson Creek joins Lower Silver Creek about 1 mile north of Lake Cunningham.

About one third of the watershed, or 12,200 acres, is on flat land and is urbanized. The upper region of the watershed, 12,600 acres, is located on steep foothills that are mostly inaccessible. The remaining area, 2,900 acres, is located on gentile foothill slopes and has undergone rapid transformation from agricultural to urban land uses. The remaining open spaces are vegetated with scattered oaks with underlying shrubs and grass. The majority of the western half of the watershed is within the City of San José and is urbanized with a mix of land uses including: single-family homes, apartments, commercial and industrial, and parks. Within the City of San José the largest land use is single-family residential.

Lower Silver Creek has been significantly modified over the last 95 years by human activity. The current channel alignment and flood control project was constructed during the 1950s, 1970s, 1980s, and, more recently, as part of the Lower Silver Creek Watershed Project. Lower Silver Creek and Thompson (then called Dry Creek) originally flowed into a large marshy area that is now Lake Cunningham. According to a map from 1895 there were no outlets from this marsh. Lower Silver and Thompson creeks were combined just above Lake Cunningham and bypass the lake. Additionally, the historic drainage patterns of tributaries and adjacent creeks have been altered (SCVWD, 2000).

The portion of the Lower Silver Creek basin that includes the project area is densely urbanized. The hydrology of the basin has been altered greatly by human activity. Urbanization and the associated increase in impervious area have tended to increase the total quantities of runoff generated within the basin. Lower Silver Creek is confined to a combination of concrete lined flood control channels and multi-stage earthen channels reinforced with gabions baskets and rock slope protection at the toe of the low-flow channel. The first half of the recent SCVWD Lower Silver Creek Watershed project has been completed along the lower portion of Lower Silver Creek from the confluence with Coyote Creek to Interstate 680. The flood control project would provide habitat along the creek corridor, as well as recreational opportunities, while reducing the risk of flooding to adjacent residential neighborhoods. Pre-flood control project Federal Emergency Management Agency (FEMA) Q3 flood data was reviewed for the project area. This digital data set consists of vectorized information from FEMA Flood Insurance Rate Maps and is suitable for determining planning level flood risks (FEMA, 1996). Overlaying the Q3 data over the proposed trail alignment shows that the trial is either in the 100 year (or one percent annual chance off flooding zone) or in an undetermined, but potential, flood hazard zone. Post-flood control project FEMA Flood Insurance Rate Maps (FIRM) have not been completed at this time.

The proposed trail would utilize roughly 1.74 miles of existing SCVWD service roads within the LSC right-of-way and would utilize roughly 1 mile of newly constructed trail, 0.5 mile of new sidewalk, and 2 miles of existing sidewalk. The proposed trail bed would consist of compacted base rock which, in most areas, already exists. Constructed swales and plantings would collect runoff along Segment 7 (Silverstone Place) where the trail section is to be paved with impervious surface (Class 1 trail) and stormwater would sheet flow off the trail into swales and/or planted areas for infiltration.

3.8.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
VIII. HYDROLOGY AND WATER QUALITY — Would the project:					
a) Violate any water quality standards or waste discharge requirements?			X		1, 2
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		1, 2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 2
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		1, 2
f) Otherwise substantially degrade water quality?		X			1, 2
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	1, 2, 11
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X		1, 2, 11
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		X			1, 2

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
j) Inundation by seiche, tsunami, or mudflow?				X	1, 2

a) Project implementation, including construction activities, would comply with all applicable water quality standards and requirements.

b) The project would not include the extraction of groundwater or interference with aquifer recharge.

c) Existing storm water runoff may increase subsequent to additional hardened surfaces, potentially resulting in increased erosion rates. The proposed trail bed would consist of semi-permeable base rock and have adjacent vegetated strips, swales and/or bio retention cells to capture and allow storm water runoff to infiltrate the soil

d) The proposed project facilities would result in an insignificant alteration of existing drainage patterns within the river, such that no flood impact would result.

e) The proposed trail facilities would create additional semi-pervious and impervious surfacing that would minimally increase existing rates of storm water runoff. Because the current minimal use of motorized vehicles for maintenance of Lower Silver Creek is not expected to significantly increase with trail use,, no increase in runoff pollutants is anticipated. Existing vegetated strips, swales and planting strips would further reduce pollutants running off to the channel.

f) The potential to degrade water quality is related primarily to construction-related sedimentation; this is a potentially significant impact.

g) The project does not include the construction of any dwelling units or other types of buildings.

h) The proposed trail improvements may slightly decrease the flood conveyance capacity of the flood control channel. The potential reduction in flood conveyance will be assessed by a hydraulic study to be conducted when detailed construction drawing are prepared and any significant reduction of flood conveyance capacity will be addressed through appropriate measures, such as raising floodwall or levees or modifying the trail design.

i) There are no upstream dams in the watershed, to the exception of the levees surrounding Lake Cunningham The recently completed flood control structures along the Lower Silver Creek up to Interstate 680 have been designed to convey the 100-year flood event. This improvement was designed to protect surrounding land uses, such as residential properties, however would not protect trail users as the trail alignment would be within this floodplain. Signs along the trail would warn users to stay out of the portions of the trail in the creek corridor when there is a potential for a flood event to occur. This mitigation would make this potential impact less than significant.

j) The project is not located along the coast of the San Francisco Bay and therefore would not be affected by a tsunami. The project site is not subject to possible seiche.

Discussion: The proposed trail bed would consist of compacted base rock which is a semi-pervious surface. However, certain areas, especially on the east side of Interstate 680, would require concrete paving along limited portions of the trail, notably the access ramps, some of which are currently paved with concrete, and under the PG&E transmission line. Under the current NPDES permit, trails are exempt from C.3 requirements. , Drainage

The proposed trail bed consists mainly of existing compacted base rock. Using an existing semi-permeable surface would not substantially change the existing drainage patterns in the area. Swales and vegetated or planting strips along new impermeable paving strips would intercept runoff before it reaches the channel or sewer system. Vegetated areas on the channel banks would facilitate dispersal, filtering, and infiltration of storm water runoff prior to reaching the creek or other drainage facilities.

3.8.2.1 Flood Hazards

Sections of the trail alignment that run parallel to the Lower Silver Creek extend below the top of bank and the assumed 100-year flood surface elevations of Lower Silver Creek. This part of the trail of the trail is subject to inundation during major flood events. During and

immediately after storm events, portions of the trail alignment would not be usable due to flooding at these locations. Maintenance would likely be required to remove mud and debris from these sections of trail, following high flow events.

Hydraulic analysis of the overcrossing approach and access ramp designs would be conducted and coordinated with the Santa Clara Valley Water District during the final design/permitting phase of work.

There is no water storage dam located in the Lower Silver Creek watershed and therefore there is no risk of flooding from a seiche in response to a seismic event or a dam failure. A seiche, which acts similar to a tidal wave but in a lake or other fresh water body, could produce a dam failure and subject the downstream area to flooding in areas served by a water storage reservoir.

Impacts: HYDRO-1: Trail segments running parallel to the Lower Silver Creek could be subject to flooding during major precipitation events as this alignment is within the 100-year floodplain. This poses a potentially significant hazard to trail users in these parts of the trail.

Mitigation: While it is less likely that the trail would be used during major precipitation events, prominent trail signage would be provided to warn trail users of possible hazards from storm runoff, flooding, or related trail obstructions. The climate is not subject to flash flooding, therefore safety signage is considered adequate notification to allow time and direction to avoiding such a hazard in certain weather events. This mitigation would reduce a potentially significant impact to a less than significant level.

3.8.2.2 Water Quality

Grading and other earthmoving activities during construction may increase erosion and sedimentation within the creek, particularly where existing vegetation is removed. Construction activities do not require the removal of major areas of vegetation, and substantial erosion and sedimentation is not anticipated. In addition, the project would comply with the City of San José Grading Ordinance (erosion and dust control requirements) and Zoning Ordinance (requirement to remove any dirt and mud from adjacent streets). However, due to the sensitivity of the creek environment, the potential for sedimentation to occur within Lower Silver Creek is considered a significant impact. Implementation of mitigation measures would limit this potential impact to a less than significant level.

During construction, the potential for spilled fuels, lubricants, solvents, and other materials would be addressed by the Storm Water Pollution Prevention Plan (SWPPP), required by the Regional Water Quality Control Board (RWQCB). The need for dewatering during construction is not currently known. However, any dewatering activity would be subject to a National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, also administered by the RWQCB.

Following construction, stormwater runoff would increase due to the addition of limited semi-permeable and limited impermeable surfaces along short portions of the trail

alignment. The existing maintenance road surface is comprised of semi-permeable compacted base rock. The impact from new semi-permeable impervious surfaces would not be substantial. Because the increase in stormwater runoff from the trail alignment would not be substantial, significant erosion and sedimentation impacts are not anticipated during trail operations. The impact from the impermeable surfaces along Segment 7 would be mitigated by the installation of an adjacent grass-lined swale.

Runoff from the trail could carry silt and dirt material covering the trail. However, the generally elevated topography of the trail alignment relative to surrounding areas and limited trail surface area (12-foot width) would limit the amount of the earthen material that could cover the trail. In the event that small amounts of silt were carried in runoff, most of it would settle out on the adjoining ground surface, planting strips, or swales before the runoff flowed into the creek.

Because trail operations involve a minimal level of motorized vehicle activity (e.g., periodic maintenance vehicles), the potential for contamination from incidental leaks of fuels, lubricants, etc. would not be substantial. Any accidental spills would be addressed through the SWPPP. Potential water quality impacts involving dog and human waste would be limited by adherence to the trail rules and the provision of dog bag dispensers and trash receptacles along the alignment.

Impacts: HYDRO-2: Grading and other construction activities to build trail facilities may cause erosion of site soils generating sedimentation of Lower Silver Creek. This is a potentially-significant water quality impact that would be reduced to a less-than-significant level with incorporation of mitigation measures provided below.

Mitigation: The project would comply with the City of San José Grading Ordinance and Zoning Ordinance, which would limit potential erosion and sedimentation impacts during construction. In addition, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall implement a SWPPP during and after construction. Any dewatering activities would be subject to the provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activities. In order to ensure potential sedimentation impacts are less than significant, the following mitigation would be applied.

Mitigation Measure HYDRO-1: The project would incorporate the following measures to minimize and control runoff and reduce sedimentation and contamination of storm water runoff.

- At the time of construction, the project would be required to submit a Notice of Intent (NOI) to comply with the NPDES General Permit for Storm Water Discharges Associated with Construction Activities and a SWPPP to the RWQCB 30 days prior to any construction on the site. The SWPPP must specifically address mitigation for both the construction and post construction periods using "C3 Provisions" and Best Management Practices. The SWPPP would include erosion and sediment control

measures, waste disposal controls, post construction sediment, maintenance responsibilities, and non-storm water management controls.

- All excavation and grading work would be scheduled in dry weather months or construction sites would be weatherized to withstand or avoid erosion.
- Stockpiles and excavated soils would be covered with secured tarps or plastic sheeting.
- Existing vegetation would be removed only when it is absolutely necessary.
- Vegetation in disturbed areas would be replanted as quickly as possible.
- Ditches would be installed, if necessary, to divert runoff around excavations and graded areas.

3.8.3 Conclusion

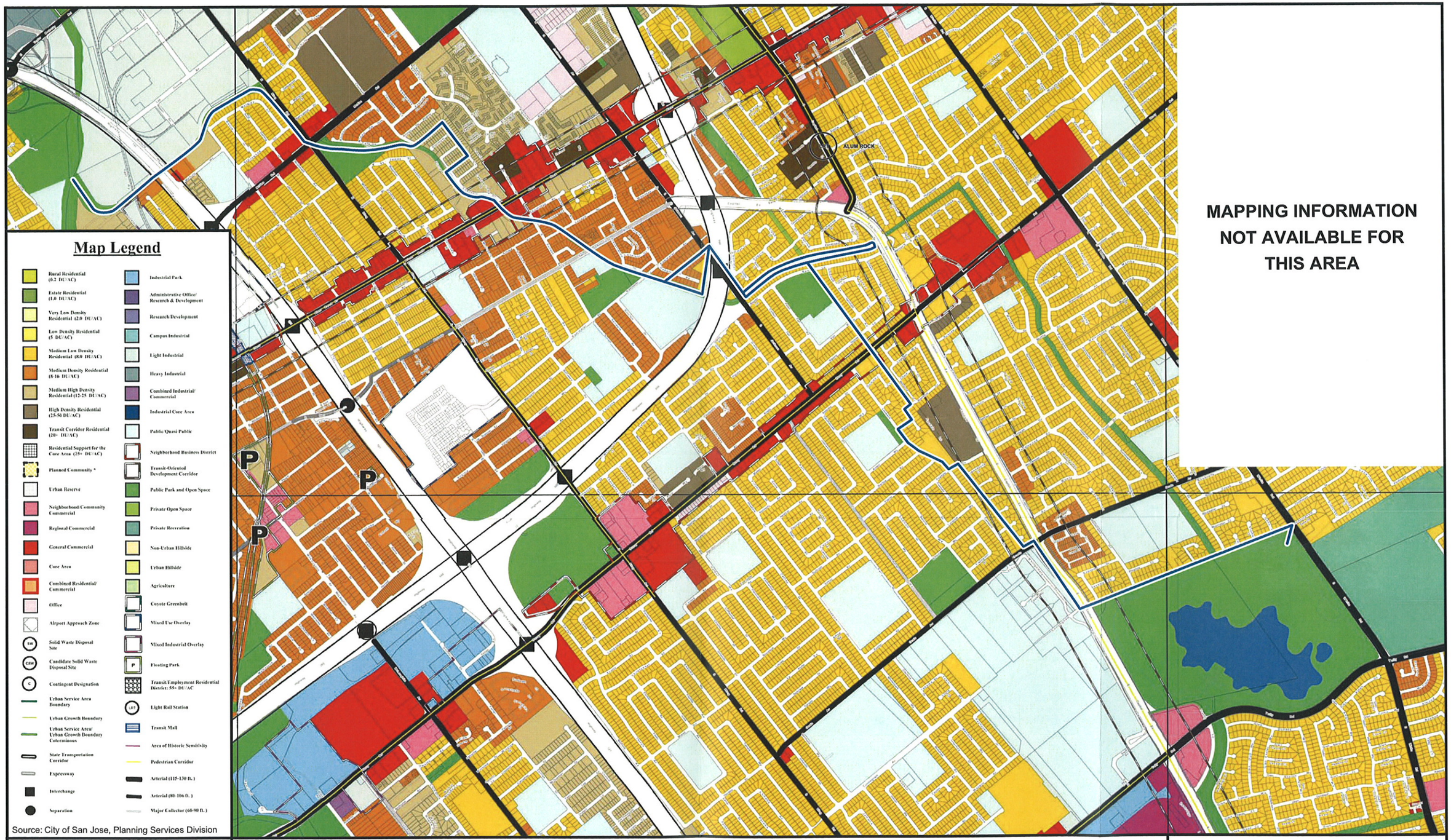
During construction, adherence to the City ordinances, the SWPPP, and other required conditions along with the recommended mitigation measures would result in less-than-significant impacts to hydrology and water quality. Potential impacts during trail operations would be less than significant.

3.9 Land Use and Planning

3.9.1 Setting

The project site and immediately surrounding area consists primarily of public park/open space and residential neighborhoods, including the corridor of Lower Silver Creek. As shown on Figure 1, the corridor surrounding the trail alignment is highly urbanized and includes various commercial, retail, and residential land uses. The Reid-Hillview Airport parallels the western side of the trail alignment in Segment 8. Major roadways in the project area include Interstate 680 and US Highway 101.

The City of San José 2020 General Plan designates the proposed trail alignment along Lower Silver Creek and outside the creek corridor as Public Park/Open Space, Medium Low Density Residential, and Medium Density Residential (Figure 7 – General Plan Designations). General plan land use designations of adjacent areas are similar to existing land uses and include Public/Quasi Public, Medium-Low Density Residential, Medium Density Residential, Medium-High Density Residential, High Density Residential, and General Commercial. The Lower Silver Creek area is part of the General Plan Scenic Routes and Trail Program, which plans for future trail development along the Lower Silver Creek corridor.



Map Legend

- Rural Residential (0.2 DU/AC)
- Estate Residential (1.0 DU/AC)
- Very Low Density Residential (2.0 DU/AC)
- Low Density Residential (5 DU/AC)
- Medium Low Density Residential (8.0 DU/AC)
- Medium Density Residential (8-16 DU/AC)
- Medium High Density Residential (12-25 DU/AC)
- High Density Residential (25-50 DU/AC)
- Transit Corridor Residential (20+ DU/AC)
- Residential Support for the Core Area (25+ DU/AC)
- Planned Community *
- Urban Reserve
- Neighborhood/Community Commercial
- Regional Commercial
- General Commercial
- Core Area
- Combined Residential/ Commercial
- Office
- Airport Approach Zone
- Solid Waste Disposal Site (SW)
- Candidate Solid Waste Disposal Site (CSW)
- Contingent Designation (C)
- Urban Service Area Boundary
- Urban Growth Boundary
- Urban Service Area/ Urban Growth Boundary Coterminous
- State Transportation Corridor
- Expressway
- Interchange
- Separation
- Industrial Park
- Administrative Office/ Research & Development
- Research/Development
- Campus Industrial
- Light Industrial
- Heavy Industrial
- Combined Industrial/ Commercial
- Industrial Core Area
- Public/Quasi-Public
- Neighborhood Business District
- Transit-Oriented Development Corridor
- Public Park and Open Space
- Private Open Space
- Private Recreation
- Non-Urban Hillside
- Urban Hillside
- Agriculture
- Coyote Greenbelt
- Mixed Use Overlay
- Mixed Industrial Overlay
- Floating Park (P)
- Transit/Employment Residential District; 55+ DU/AC
- Light Rail Station (LRT)
- Transit Mall
- Area of Historic Sensitivity
- Pedestrian Corridor
- Arterial (115-130 ft.)
- Arterial (80-106 ft.)
- Major Collector (60-90 ft.)

Source: City of San Jose, Planning Services Division

MAPPING INFORMATION NOT AVAILABLE FOR THIS AREA

LEGEND

Project Location

N

0 0.25 0.5 Miles

FIGURE 7
LOWER SILVER CREEK TRAIL GENERAL PLAN DESIGNATIONS
LOWER SILVER CREEK OVERVIEW
SANTA CLARA COUNTY, CALIFORNIA

CH2MHILL

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Areas adjacent to the project site primarily are zoned Single Family Residential, Agriculture, Multi-family Residential, Light Industrial, Commercial Pedestrian, Commercial General, Two-family Residential, and Commercial Neighborhood (Figure 8-Zoning Areas).

3.9.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
IX. LAND USE AND PLANNING - Would the project:					
a) Physically divide an established community?				X	1, 2, 3
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1, 2, 3, 4
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3

a) The proposed project would generally enhance connections along the Lower Silver Creek, and would not physically divide an established community.

b) The project is consistent the land uses designations and Scenic Route and Trail Program in the San José 2020 General Plan.

c) No habitat conservation plans or community conservation plans occur at the project site, and no conflict would result from project implementation.

Discussion: The proposed project is consistent with the City of San José 2020 General Plan, including the Scenic Route and Trail Program and the multiple land use designations applicable to the trail alignment. Use of the trail by pedestrians, commuters, and other recreational users would not interfere with existing activities at adjacent and nearby land uses. The siting of the trail alignment in relation to adjacent residential uses would not introduce potential privacy or nuisance issues; the distance between the two is sufficient to limit this potential impact. Therefore, no conflict with adjacent and nearby land uses is anticipated to result from project implementation. For many of the existing land uses in the project vicinity, the proposed trail would provide an amenity as both a recreational feature and alternative transportation corridor.

3.9.3 Conclusion

Project implementation would not result in any adverse impacts to land use or planning.

3.10 Mineral Resources

3.10.1 Setting

The proposed project is located within and along the riparian corridor of Lower Silver Creek, the SCVWD right of way, and PG&E right of way. Surrounding the alignment is the urbanized built environment of the City of San José. No known mineral resources or mining activities occur in the project vicinity. The general plans of the City of San José and the County of Santa Clara do not designate any portion of the project area as a mineral resource site.

3.10.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
X. MINERAL RESOURCES — Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	1, 2

a) No known mineral resources occur within the project vicinity.

b) The General Plan does not designate any property in the project vicinity for mineral resource use or extraction.

Discussion: The project site includes the riparian habitat of the Lower Silver Creek and is immediately surrounded by developed urban areas in the City of San José. This area does not contain any known or designated mineral resources.

3.10.3 Conclusion

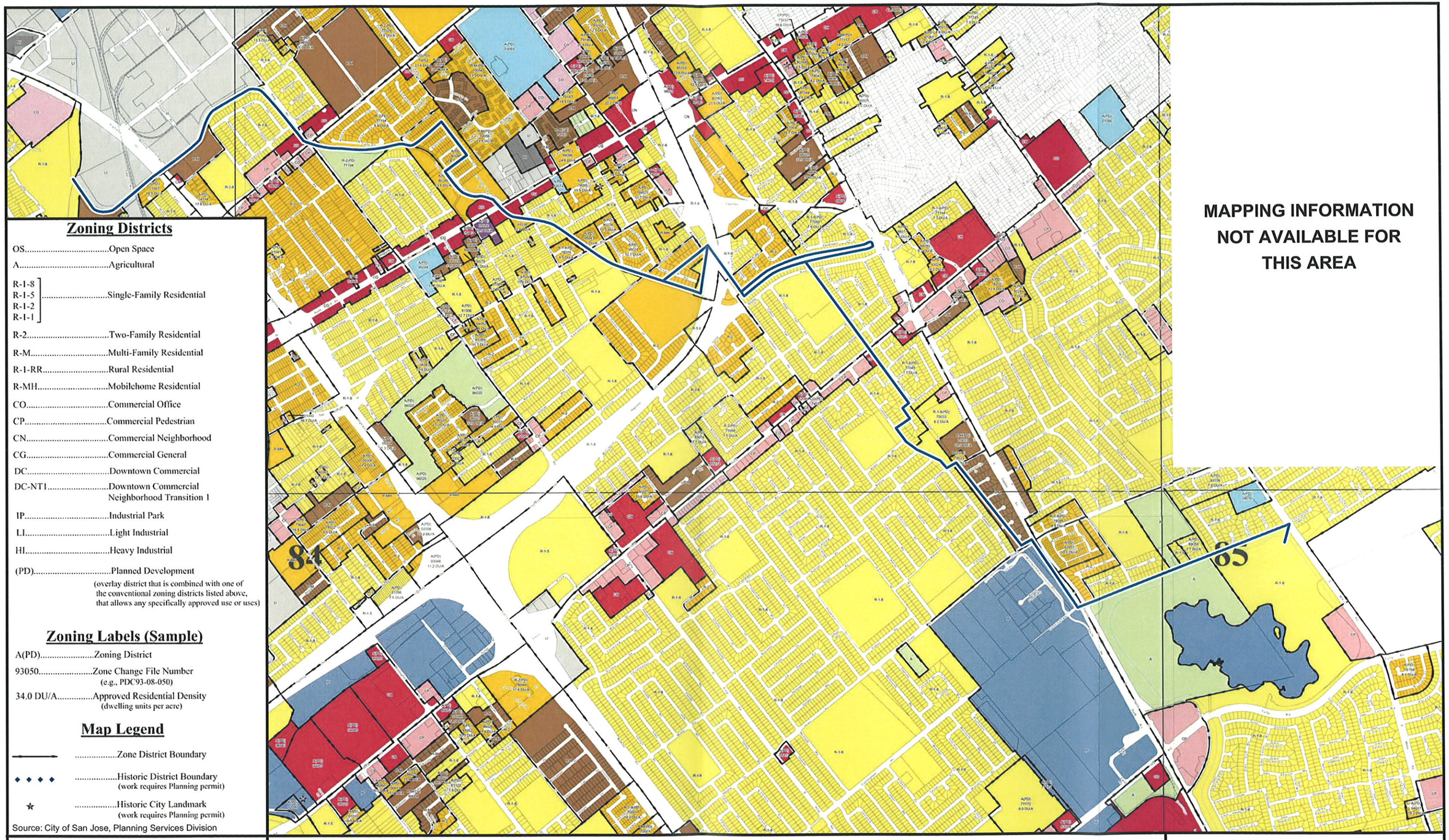
The proposed project would not result in any adverse impacts to mineral resources.

3.11 Noise

3.11.1 Setting

The area surrounding the project site is urbanized. Noise levels are typical for a developed urban/suburban area. Background noise levels in this type of environment are typically in the range of 40 to 60 on the A-weighted decibel scale (dBA). Noise levels along the proposed trail alignment are affected primarily by adjacent or nearby traffic levels. In addition, noise from Reid-HillviewAirport is audible primarily along Segment 8 of the trail alignment.

Within Lower Silver Creek, noise levels vary depending on the elevation of banks and levees along the creek, which can buffer noise from adjacent areas. Noise levels would tend to increase as the trail approaches US Highway 101 and Interstate 680.



Zoning Districts

OS.....Open Space

A.....Agricultural

R-1-8, R-1-5, R-1-2, R-1-1 .....Single-Family Residential

R-2.....Two-Family Residential

R-M.....Multi-Family Residential

R-1-RR.....Rural Residential

R-MH.....Mobilehome Residential

CO.....Commercial Office

CP.....Commercial Pedestrian

CN.....Commercial Neighborhood

CG.....Commercial General

DC.....Downtown Commercial

DC-NT1.....Downtown Commercial Neighborhood Transition 1

IP.....Industrial Park

LI.....Light Industrial

HI.....Heavy Industrial

(PD).....Planned Development
(overlay district that is combined with one of the conventional zoning districts listed above, that allows any specifically approved use or uses)

Zoning Labels (Sample)

A(PD).....Zoning District

93050.....Zone Change File Number (e.g., PDC'93-08-050)

34.0 DU/A.....Approved Residential Density (dwelling units per acre)

Map Legend

.....Zone District Boundary

.....Historic District Boundary (work requires Planning permit)

.....Historic City Landmark (work requires Planning permit)

Source: City of San Jose, Planning Services Division

LEGEND

Project Location

N

0 0.25 0.5 Miles

FIGURE 8
LOWER SILVER CREEK TRAIL ZONING AREAS
LOWER SILVER CREEK OVERVIEW
SANTA CLARA COUNTY, CALIFORNIA

CH2MHILL

ES042007001BAO_Lower_Silver_Creek figure_8_zoning.ai 04/12/07 tdaus

Sensitive noise receptors along the trail alignment are limited primarily to residential development, which is concentrated primarily throughout the trail. Recreational users of the proposed trail can also be considered as sensitive, given the expectation of a naturalized environment along the creek and associated recreational experience.

3.11.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
XI. NOISE: Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 2
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	1, 2
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1, 2
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 2
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		1, 2
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	1, 2

a) Noise levels generated by project operations would be minimal, and would not exceed any applicable noise guideline or standard.
b) Construction activities do not involve any equipment that would result in groundborne noise or vibration (e.g., pile driving).
c) Use of the trail by cyclists, joggers, pedestrians, and other recreational activities would result in a minimal increase in existing noise levels.
d) Construction activities would temporary increase noise levels along the Trail alignment, but would be limited to less than significant levels by mitigation measures.
e) Within Segment 8, trail users would be subject to noise levels from Reid-Hillview Airport. This level is not considered excessive.
f) The project is not located in the vicinity of a private airstrip.

Discussion: Construction of project improvements involves the use of heavy equipment such as graders, rollers, excavators, etc. Typical construction noise sources generate noise levels of about 76 to 85 dBA at 50 feet, and sometimes approach 89 dBA. Sensitive noise receptors and other areas along the trail alignment would be subject to a temporary increase in noise levels during the construction of project improvements. Although high noise levels

during construction would be temporary, the impact would be potentially significant. Implementation of mitigation measures, including limiting construction activity to weekdays between 7:00 a.m. and 7:00 p.m., would reduce construction noise impacts to a less-than-significant level.

Project operations would result in additional pedestrians, joggers, cyclists, and other recreational users along the proposed alignment. Given the minimal noise generated by trail use, as well as the buffer to adjacent land uses provided by the river and levee system, no significant noise impacts would result. Trail users within Segment 8 would be subject to noise levels from aviation activity at the airport.

Impacts: NOISE-1: Construction would temporarily increase noise levels along the proposed trail alignment. Impacts to nearby sensitive receptors are considered potentially significant.

Mitigation: Mitigation NOISE-1: The following measures would be applied to reduce construction noise levels.

- Construction activities would be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.
- The construction contractor would be required to use power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site would be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other equipment.

3.11.3 Conclusion

Construction activities would be subject to mitigation measures to minimize construction-related noise levels; these measures would reduce impacts to a less-than-significant level.

3.12 Population and Housing

3.12.1 Setting

According to the Association of Bay Area Government (ABAG), the population of the City of San José in 2000 was 894,943, which included 276,598 households. This comprises the majority of the population in Santa Clara County estimated by AGAB to be 1,682,585 in 2000, including 565,863 households. The population of the City of San José is projected to grow to 1,069,200 persons and 334,700 households by 2020.

Residential development is located directly adjacent to the trail alignment throughout Segments 1 through 8, as shown on Figure 7 and described in Section 3.9 (Land Use and Planning).

3.12.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
XII. POPULATION AND HOUSING — Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 12
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 12
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 12

a) The construction and operation of the trail would not generate new population growth or development.

b) No housing would be displaced by the project.

c) No people would displaced from their homes as a result of this project.

Discussion: The proposed project would accommodate existing residents residing in the area. The trail facilities would not displace any existing housing or people, nor would they induce any population growth.

3.12.3 Conclusion

Implementation of the proposed project would not impact population and housing in the project area.

3.13 Public Services

3.13.1 Setting

Emergency services at the project site are provided by the City of San José fire and police departments. No additional park ranger patrols are planned during operation of the proposed project. The nearest fire stations to the project site are located 2001 S. King Road (Fire Station #16) and 199 Innovation Drive (Fire Station #29). The SCVWD owns and/or manages the majority of the area along and immediately adjacent to the trail alignment.

3.13.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
XIII. PUBLIC SERVICES					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?			X		1, 2, 3
Police protection?			X		1, 2, 3
Schools?				X	1, 2, 3
Parks?				X	1, 2, 3
Other public facilities?				X	1, 2, 3

a) Construction activities could result in a demand for emergency services in case of an accident.

b) During operation, police or emergency fire services may be required in case of a crime incident or an accident requiring emergency medical attention.

c) No impact to schools is anticipated.

d) The project involves a new recreational facility.

e) No other public facilities would be affected by project implementation.

Discussion: A marginal increase in the demand for emergency services within the project area may result from potential accidents during both construction activity and trail usage. Similarly, potential criminal activity as well as police patrols along or near the trail alignment would require additional police services. However, the incremental increase in demand would not require the expansion of existing police or fire service facilities. Further, the project would be constructed in conformance with current codes, including safety features (e.g., call boxes) to minimize criminal activity. Therefore, potential impacts related to the provision of emergency services are considered less than significant. The construction and use of trail facilities is unlikely to increase the demand for other public services, other than those associated with the project itself.

Impacts: The potential incremental increase in demand for police and fire services would not result in significant impact to public services and utilities. No mitigation measures are recommended or required.

3.13.3 Conclusion

Significant adverse impact to public services and utilities would not result from project implementation.

3.14 Recreation

3.14.1 Setting

The proposed trail would utilize existing SCVWD service roads and a portion of the trail within the right-of-way would require newly constructed trail. The project begins at the proposed Bay Trail along Coyote Creek and passes by Plata Arroyo Park, a potential future park, Mayfair Park and Community Center, Capitol Park, Cassell Park, and a Little League Park before linking with Lake Cunningham Park

3.14.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
XIV. RECREATION —					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1, 2, 3
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, 2, 3

a) Project implementation is not expected to directly increase the use of existing parks or recreational facilities.

b) The proposed project involves the construction of a recreational trail facility. As discussed throughout this document, no significant adverse environmental impacts are anticipated to occur from project implementation with the implementation of mitigation measures.

Discussion: Project implementation includes the development of a multiple-use recreational trail facility. The potential environmental effects of the project are addressed throughout this document; no significant environmental impacts would result from project implementation. The proposed project is not expected to increase the demand for other recreational facilities in the project area, such that a substantial deterioration of the facilities would result. The expanded recreational opportunities provided by the project are considered a beneficial impact.

Impacts: No significant impacts to recreation would result, and no mitigation measures are recommended or required.

3.14.3 Conclusion

No significant adverse recreational impacts would result from the proposed project. The addition of the trail would expand recreational opportunities in the City of San José, which is generally considered a beneficial impact.

3.15 Transportation and Traffic

3.15.1 Setting

The proposed trail alignment crosses multiple busy streets including an Interstate and US Highway. The trail commences at Coyote Creek, crosses US Highway 101 by a new pedestrian bridge, continues across McKee Road, Alum Rock Avenue, East San Antonio Street, Interstate 680, South Jackson Avenue, Story Road, Ocala Avenue, and terminates just past East Capitol Expressway.

The City of San José 2020 General Plan includes various policies applicable to the proposed project. The following are listed in the transportation section of the General Plan.

- Pedestrian travel should be encouraged as a viable mode of movement between high-density residential and commercial areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas, particularly the downtown core area and neighborhood business districts by providing safe and convenient pedestrian facilities.
- Safe access and mobility for the physically handicapped, in accordance with the American with Disabilities Act (ADA), would be implemented in the design of all pedestrian facilities.
- A bikeway system linking residences, employment centers, schools, parks, and transit facilities should be developed to promote the use of the bicycle as an alternative mode of transportation for commuting as well as for recreational purposes.
- Priority improvements to the bikeway system include:
  - Bike routes linking light rail stations to nearby neighborhoods.
  - Bike paths along designated trails and pathway corridors.
  - The City should cooperate with the County and other cities in designing and implementing a Countywide bikeway system.

Parking near the project site is available on-street and at various commercial lots.

3.15.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
TRANSPORTATION & TRAFFIC -Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X	1, 2
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	1, 2
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 2
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 2, 3
e) Result in inadequate emergency access?				X	1, 2, 3
f) Result in inadequate parking capacity?			X		1, 2
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 2

a) Project implementation would not cause a substantial increase in traffic.

b) Because little or no additional traffic would be generated by the project, no change to level of service standards is anticipated.

c) No change to air traffic patterns would result from project implementation.

d) No design features are anticipated to result in a hazard along the trail alignment.

e) Development of the improvements along the trail would generally improve access within and along Lower Silver Creek.

f) Trail operation may draw users who drive to the trail for use. The anticipated volume of such trips is minimal, and would not result in inadequate parking capacity in the project vicinity.

g) The project supports applicable alternative transportation policies described in the City of San José 2020 General Plan.

Discussion: Trail users that do no live or work within walking or cycling distance from the alignment may drive to the site. Based on typical trail usage in the City and surrounding

areas and the anticipated numbers of users that may drive to the project site, the traffic generated is not expected to be substantial. No parking areas would be provided by project implementation. However, adequate parking is typically available along the trail alignment such that substantial impacts to existing parking capacity in the project vicinity would not result.

Development of the trail would be consistent with the transportation plans and policies adopted within the City of San José 2020 General Plan, including those associated with alternate transportation modes and ADA requirements.

Impacts: Potential adverse impacts identified for the project would be less than significant. No mitigation measures are recommended or required.

3.15.3 Conclusion

Project implementation would not result in a significant adverse impact to transportation and traffic.

3.16 Utilities and Service Systems

3.16.1 Setting

A portion of the trail is located along recently upgraded flood control improvements provided by the SCVWD. Wastewater conveyance lines traverse the trail alignment at several roadway undercrossings; collection and treatment of wastewater in San José is managed in conjunction with the Santa Clara Water Pollution Control Plant. Several landfill facilities are available for residential and commercial solid waste disposal: Newby Island Sanitary Landfill, Guadalupe Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, Mission Trail Waste Systems Transfer Station, and Zanker Road Landfill.

3.16.2 Environmental Checklist and Discussion

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
XVI. UTILITIES AND SERVICE SYSTEMS — Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1, 2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	1, 2, 3

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2, 3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	1, 2
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	1, 2
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	1, 2
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	1, 2

a) The proposed project does not involve or require wastewater treatment.

b) Project implementation does not involve new or expanded water or wastewater treatment facilities.

c) Development of the Trail alignment involves construction of new stormwater drainage facilities at Silverstone Place. Segments along the creek would continue to drain to the creek as they currently do. Sidewalk segments would drain to the street.

d) Construction activities would require water for dust control. Project operations would result in little or no additional demand for potable water supplies.

e) No additional demand for wastewater treatment would result from project implementation.

f) Relatively minor volumes of debris would be generated during construction activity. Project operations would not increase the volume of solid waste generated in the project area.

g) Construction debris would be disposed of in accordance with applicable laws and regulations.

Discussion: Project implementation would not generate any additional demand for wastewater treatment services. Relatively minimal volumes of solid waste would be generated, primarily during construction. All waste generated at the project site would be disposed of in accordance with applicable federal, state, and local regulations. No impact to existing landfill capacities would result. Demand for potable water would be limited to project construction activities, which would require water use for dust control. No additional water entitlements would be required by project implementation. The capacity of the stormwater system is adequate to accommodate the negligible amount of additional runoff that would be generated by the project.

New stormwater drainage facilities would be constructed along Segment 7 (Silverstone Place). The typical outfall in Segments 1 and 4 of the trail treatment would consist of a concrete trench drain constructed within the existing service road at a five percent slope. A metal grate would be installed over the concrete trench drain to allow for proper drainage of the trail. Segments along the creek would continue to drain to the creek as they currently do and sidewalk segments would drain to the street.

Impacts: Potential adverse impacts identified for the project would be less than significant. No mitigation measures are recommended or required.

3.16.3 Conclusion

No significant impact to public utilities and service systems would result from project implementation.

3.17 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Information Sources
XVII. MANDATORY FINDINGS OF SIGNIFICANCE —					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		1, 2, 3, 4, 9
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13

3.18 Environmental Determination

Pursuant to Sections 15152 and 15168 of the CEQA Guidelines, this initial study has been prepared to evaluate the potential impacts of the proposed project.

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

X I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Signature	Date

3.19 Checklist Sources

1. *CEQA Guidelines* - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. *City of San José 2020 General Plan*
3. Lower Silver Creek Draft Master Plan, March 2007
4. City of San José Zoning Ordinance

5. Site inspection by the consultant team.

6. Santa Clara County Important Farmlands Map, 2000.

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SECTION 4

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Appendix A – Photo Documentation and Special-Species List

PHOTOGRAPHIC LOG

LOWER SILVER CREEK BIOLOGICAL RECONNAISSANCE SURVEY

MARCH 30, 2007

Photograph 1 Segment 1, at the westernmost point of the proposed project area where the proposed trail will link to Watson Park. The vegetation at the confluence of Lower Silver Creek and Coyote Creek is the only cottonwood-willow riparian community along the LSC proposed project area. Also see photograph 2.

Photograph 2 Segment 1, view of proposed trail alignment just east of the Lower Silver Creek confluence with Coyote Creek. A number of red-shouldered hawk (*Buteo lineatus*) nests were observed in the mature riparian canopy.

Photograph 3 Segment 1, view facing Hwy 101. Note typical non-native vegetation within the floodplain, the narrow band of freshwater marsh vegetation and the open water.

Photograph 4 Segment 1, view toward Wooster Bridge. Typical ruderal vegetation is shown on the right between the existing maintenance road and the channel.

Photograph 5 Segment 2, view west from existing Plata Arroyo Park bridge. Typical non-native grassland is present on the south side of the channel. Within the banks of the channel, a narrow band of freshwater marsh wetland habitat exists.

Photograph 6 Segment 2, view east from existing Plata Arroyo Park bridge. Typical non-native grassland is present on the south side of the channel. Within the banks of the channel, a narrow band of freshwater marsh wetland habitat exists. The coyote brush (*Baccharis pilularis*) mitigation plantings are shown on the north side of the channel.

Photograph 7 Segments 5 and 6, view facing west of the existing pedestrian bridge at Dobern Avenue. Note eroded banks and unmaintained access road.

Photograph 8 Segment 6, view facing south. Note the paved trail and the existing pedestrian bridge on the right. A few ornamental plantings are present within the mulched areas.

Photograph 9 Segment 5, view from Dobern Bridge (located in Reach 6). Note non-native grassland areas between proposed trail and channel. Also note severely eroding banks and maintenance road on left.

Photograph 10 Segment 7, view of Silverstone Place. Bare soil and ruderal vegetation are dominant.

Photograph 11 Segment 8, view along Cunningham Avenue. Lake Cunningham Park is located to the left of the chain link fence. Location of proposed trail is between the fence and the existing Cunningham Avenue. Ruderal and non-native grasses are dominant throughout this reach.

Photograph 12 Segment 8, view of Silver Creek in Lake Cunningham Park. Note dense riparian vegetation and freshwater wetland habitat. Three adult Western pond turtles (*Emys marmorata*) were observed here.

Table A-1: Special-Status Species Potentially Occurring Within Lower Silver Creek Trail Master Plan Study.

Scientific Name	Common Name	Federal/ State/CNPS Status	Habitat Description	Documentation of Species Within 2 miles of the Project Area	Habitat Present/ Species Present
Invertebrates					
Adela oplerella	Opler's longhorn moth	CSC	Open grasslands in areas of serpentine bedrock with host plant *Platystemon californicus* present.	None, known from one location south of project site, approximately 5 miles away in the Silver Creek Hills.	Habitat absent/ Species not expected to occur
Euphydryas editha bayensis	Bay checkerspot butterfly	FT	Restricted to native grasslands on outcrops of serpentine soil the vicinity of San Francisco Bay.	None, known from one location south of project site, approximately 5 miles away in the Silver Creek Hills.	Habitat absent/ Species not expected to occur
Microcina homi	Hom's micro-blind harvestman	CSC	Open grasslands in areas of serpentine bedrock.	No, only known from one location south of project site, approximately 5 miles away in the Silver Creek Hills.	Habitat absent/ Species not expected to occur
Amphibian					
Ambystoma californiense	California Tiger Salamander	FC/CSC and CAP	Breeds in freshwater ponds or vernal pools, in association with upland areas with small mammal burrows.	Yes, known from nearby stock ponds south of Lake Cunningham Park. Barriers from urban developments would exclude species from migrating to project site.	Habitat absent/ Species not expected to occur
Reptile					
Clemmys marmorata	Western Pond Turtle	CSC	Inhabits ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. It also requires upland sandy banks or grassy open fields.	Yes	Habitat present/ Species present

Table A-1: Special-Status Species Potentially Occurring Within Lower Silver Creek Trail Master Plan Study.

Scientific Name	Common Name	Federal/ State/CNPS Status	Habitat Description	Documentation of Species Within 2 miles of the Project Area	Habitat Present/ Species Present
Birds					
Athene cunicularia	Western burrowing owl	FSC/CSC	Habitats with low growing vegetation (grasslands, scrub, deserts). Dependant on burrowing mammals, especially California ground squirrels.	Yes, near the corner of Cunningham Avenue and Capitol Expressway.	Habitat present/ Species present
	Nesting Raptors	Migratory Bird Treaty Act Species and/or FSC/CSC	The required habitat for nesting varies depending on species, but includes large trees and grasslands.	Nesting raptors documented from Coyote Creek Confluence.	Foraging and nesting habitat present Raptors could nest in the area
	Waterfowl	Migratory Bird Treaty Act Species and/or FSC/CSC	The required habitat for nesting varies depending on species, but includes emergent vegetation and grasslands near water source.	Foraging waterfowl were observed on Lower Silver Creek.	Foraging and nesting habitat present Waterfowl known to nest in the area.
Mammals					
Vulpes macrotis mutica	San Joaquin Kit Fox	FE/ST	Annual grasslands, loose sandy soils required for burrowing and suitable prey base.	No, the only occurrence known within the region is 7 miles WNW of Morgan Hill.	Habitat absent/ Species not expected to occur
Plants					
Balsamorhiza macrolepis var. macrolepis	Big-scale balsamroot	CNPS 1B	Valley and foothill grassland, cismontane woodland.	No, known in one location thought to be extirpated in 1999 located east of Coyote Creek and Capitol Expressway on a hill near Radio Tower.	Habitat absent/ Species not expected to occur
Centromadia parryi sp. congdonii	Congdon's tarplant	CNPS 1B	Valley and foothill grassland, cismontane woodland in heavy alkali soils.	No, one known location thought to be extirpated near Alum Rock and Silver Creek Area.	Habitat absent/ Species not expected to occur

Table A-1: Special-Status Species Potentially Occurring Within Lower Silver Creek Trail Master Plan Study.

Scientific Name	Common Name	Federal/ State/CNPS Status	Habitat Description	Documentation of Species Within 2 miles of the Project Area	Habitat Present/ Species Present
Chorizanthe robusta var. robusta	Robust spineflower	FE/CNPS 1B	Sandy terraces and bluffs or in loose sand of costal dunes, coastal scrub, or cismontane woodland.	No, one known location thought to be extirpated in San Jose, actual location not known.	Habitat absent/ Species not expected to occur
Cirsium fontinale var. campylon	Mt. Hamilton thistle	CNPS 1B	Valley and foothill grassland, cismontane woodland, and chaparral in seasonal or perennial drainages on serpentine soils.	No, only known from three locations south of project site, approximately 5 miles One location is in Silver Creek, but downstream of the project site.	Habitat absent/ Species not expected to occur
Collinsia multicolor	San Francisco collinsia	CNPS 1B	Costal scrub or closed cone coniferous forest.	No, closest known occurrence is more than 5 miles away in Edenvale.	Habitat absent/ Species not expected to occur
Dudleya setchellii	Santa Clara Valley dudleya	FE/CNPS 1B	Valley and foothill grassland, cismontane woodland in serpentine soils.	No, known locations are more than 5 miles away in serpentine soils.	Habitat absent/ Species not expected to occur
Fritillaria liliacea	Fragrant fritillary	CNPS 1B	Valley and foothill grassland, coastal scrub, and coastal prairie in serpentine soils.	No, one known location more than 5 miles away south of Evergreen.	Habitat absent/ Species not expected to occur
Lasthenia conjugens	Contra Costa Goldfields	FE/CNPS 1B	Valley and foothill grassland, cismontane woodland, and vernal pools.	No, one location thought to be extirpated at Capitol Avenue and Cornwall street, more than 5 miles away from project area.	Habitat absent/ Species not expected to occur
Malacothamnus hallii	Hall's bush mallow	CNPS 1B	Chaparral, often on serpentine soils.	No, two known locations more than 5 miles from site in Silver Creek Hills.	Habitat absent/ Species not expected to occur
Plagiobothrys glaber	Hairless popcorn-flower	CNPS 1A	Meadows, seeps, marshes, and swamps.	No, only one location at Story Road and US 101 intersection, thought to be extirpated.	Habitat absent/ Species not expected to occur

Table A-1: Special-Status Species Potentially Occurring Within Lower Silver Creek Trail Master Plan Study.

Scientific Name	Common Name	Federal/ State/CNPS Status	Habitat Description	Documentation of Species Within 2 miles of the Project Area	Habitat Present/ Species Present
Streptanthus albidus ssp. Albidus	Metcalf Canyon jewel-flower	FE/CNPS 1B	Valley and foothill grassland in serpentine soils.	No, 5 known location more than 2 miles away south of project area.	Habitat absent/ Species not expected to occur

Sources

California Department of Fish and Game. 2007. Habitat Conservation Planning Branch. Species Information. Available at http://www.dfg.ca.gov/hcpb/species/species.shtml.
California Department of Fish and Game. 2007. Special Animals. January.
California Department of Fish and Game. 2002. Natural Diversity Data Base Program "Rarefind". 2007. California Natural Diversity Database. The Resources Agency, Sacramento.
Zeiner, D.C. Laudenslayer, W.F., and K.E. Mayer, eds. 1990. California's Wildlife. Volumes I, II, and III. California Department of Fish and Game, Sacramento, California.

Status Codes:

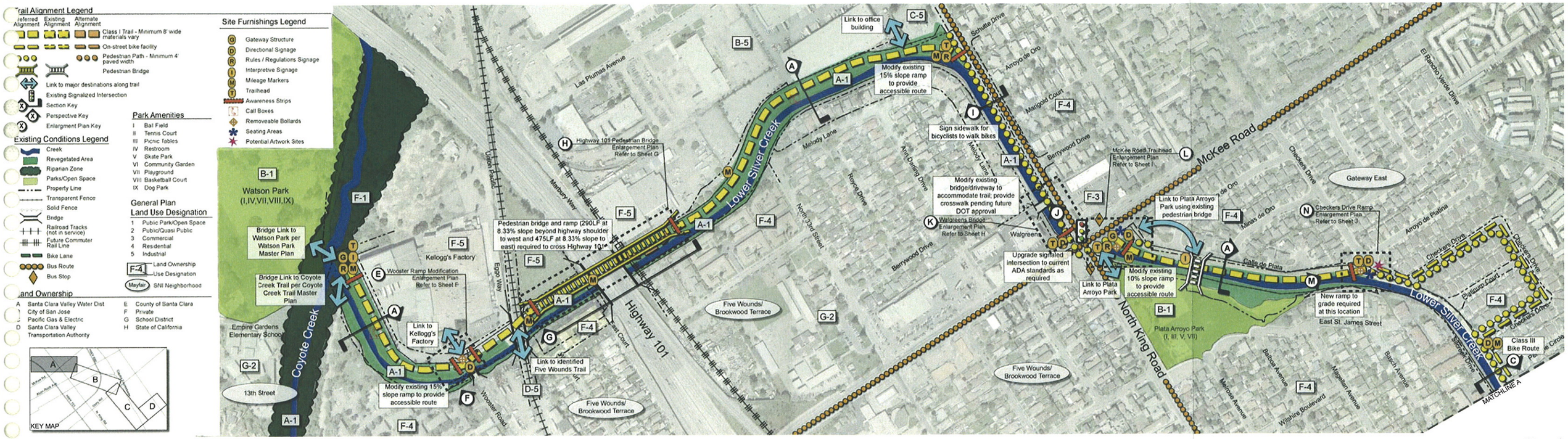
Federal Status

FE – Federally listed as endangered
FT – Federally listed as threatened
FPE – Federally proposed for listing as endangered
FPT – Federally proposed for listing as threatened
FC – Federal candidate species
FSC – Federal species of concern

State Status

CE – State listed as endangered
CT – State listed as threatened
CSC – State species of concern
CAF – Fully Protected by California Department of Fish and Game (CDFG)
CAP – Protected by CDFG
S – CDFG Sensitive
SA – Included on CDFG Special Animals List

Appendix B – Draft Trail Alignment Plan and Details



Sheet A

Draft Trail Alignment Plan

Lower Silver Creek Trail

Callander Associates
Landscape Architecture
Trail and Master Planning
January 3, 2006

SAN JOSE

0 60' 120' 240'

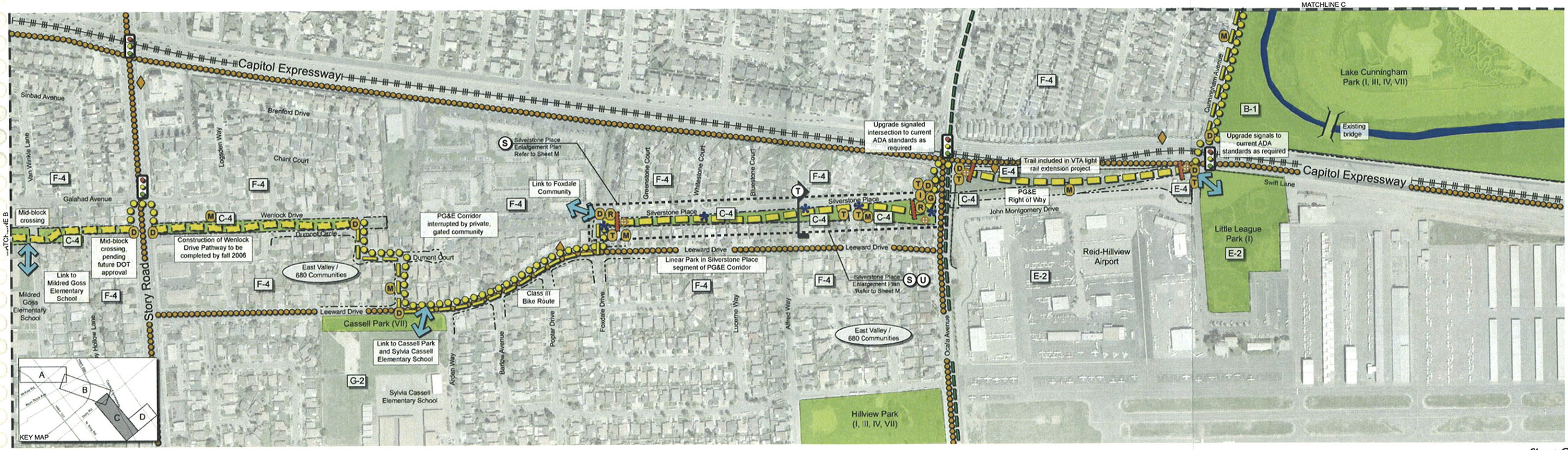
Callander Associates
Landscape Architecture
Trail and Master Planning
January 3, 2006

CITY OF SAN JOSE

Sheet B

Draft Trail Alignment Plan

Lower Silver Creek Trail



Sheet C

Draft Trail Alignment Plan

Lower Silver Creek Trail

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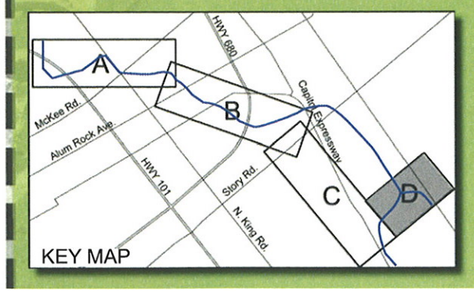
SAN JOSE

MATCHLINE C

Wonderama Drive
Pixanne Court
F-4
Cunningham Avenue
M
Cunningham Court
Lower Silver Creek
A-1
Ridgemont Drive
Class III
Bike Route
Cove Court
F-4
Starfish Court
Gana Court
M
D
R
White Road
Flinthaven Drive
Cunningham Lake Court
B-1
Lake Cunningham Park
(I, III, IV, VII)
Link to Lake
Cunningham Park
T
D
V
Lake Cunningham Park Connection
Enlargement Plan
Refer to Sheet N
Pleasant Hills Greens
Public Golf Course



0 60' 120' 240'

Sheet D

Draft Trail Alignment Plan

Lower Silver Creek Trail

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January 3, 2006

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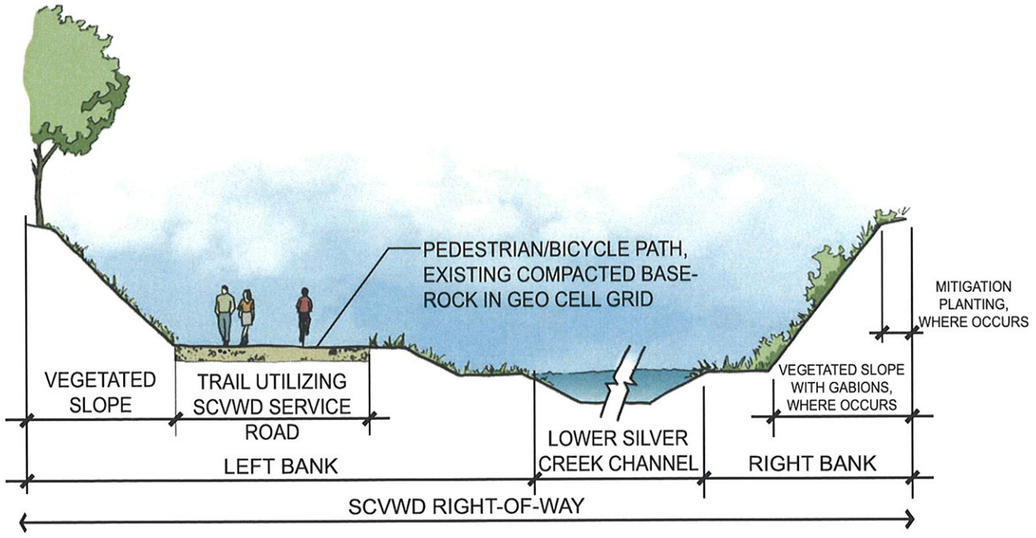
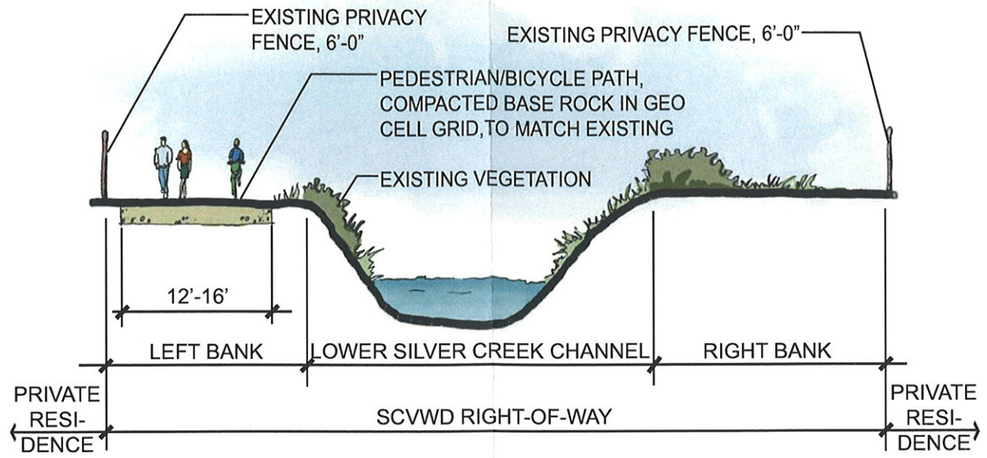
CAPITAL OF SILICON VALLEY



A Trail at Existing SCVWD Service Road

Section



B Trail at Unimproved Creek Channel

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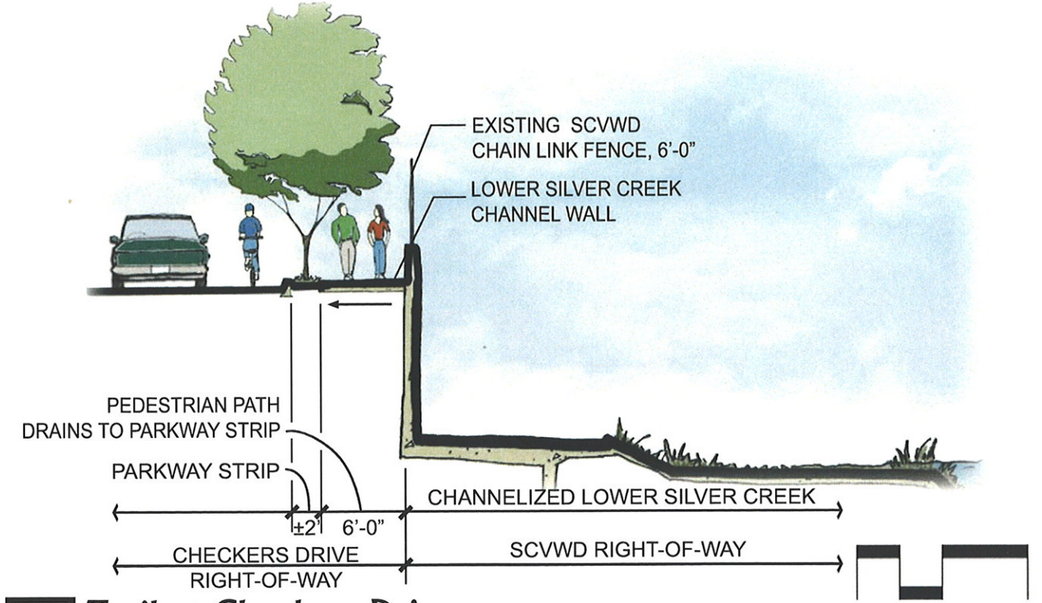
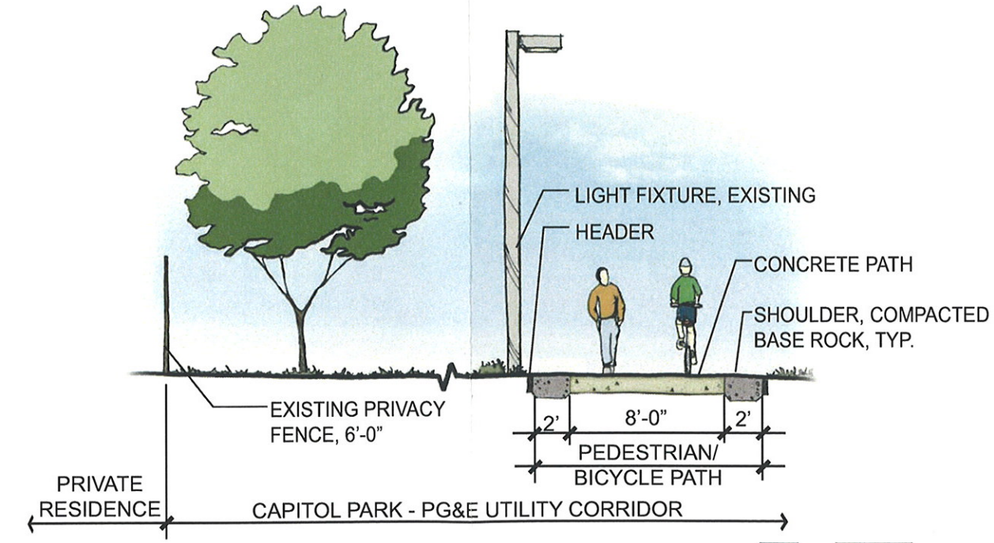


C Trail at Checkers Drive

Section



D Trail at Capitol Park

Section

Typical Sections

Sheet E
Detail Drawings

Lower Silver Creek Trail

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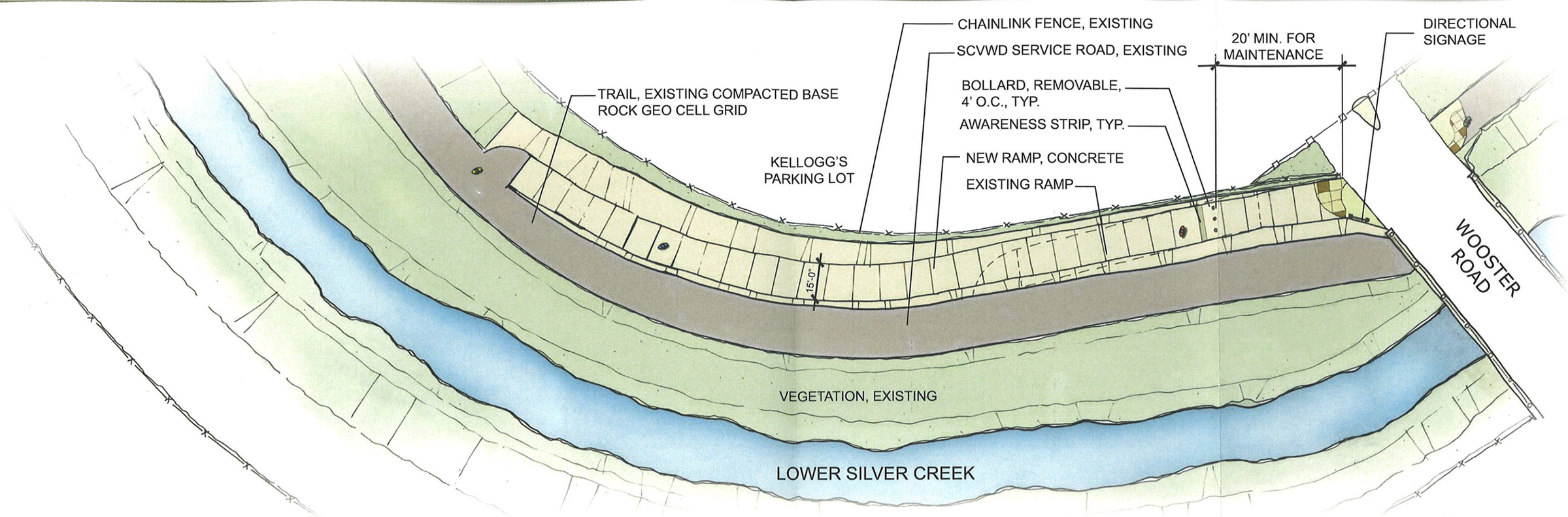
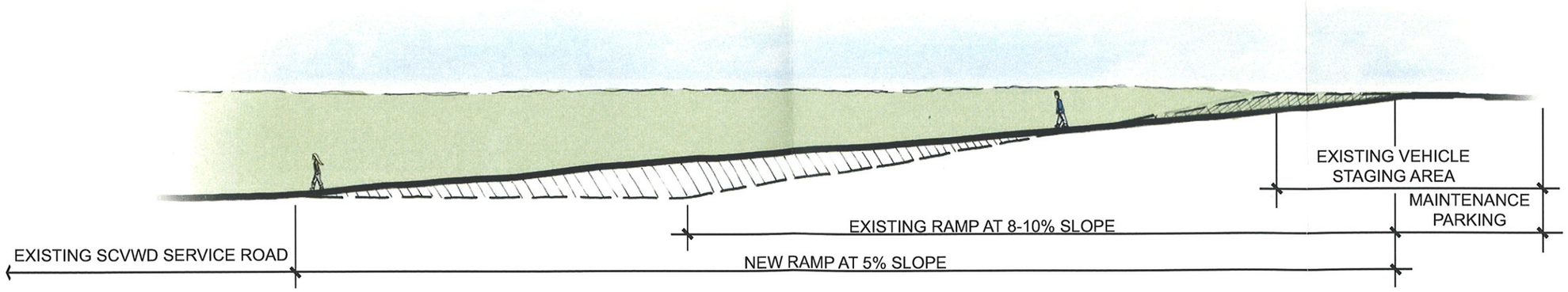
CAPITAL OF SILICON VALLEY



E Wooster Ramp Modification

Enlargement Plan



F Typical Ramp Modification

Section

Existing Ramp Modifications

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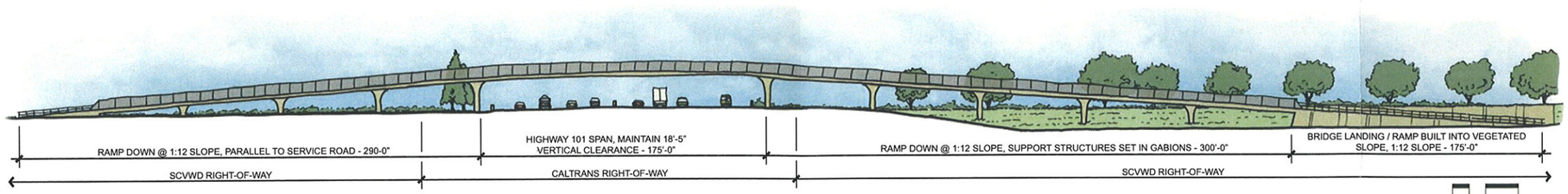
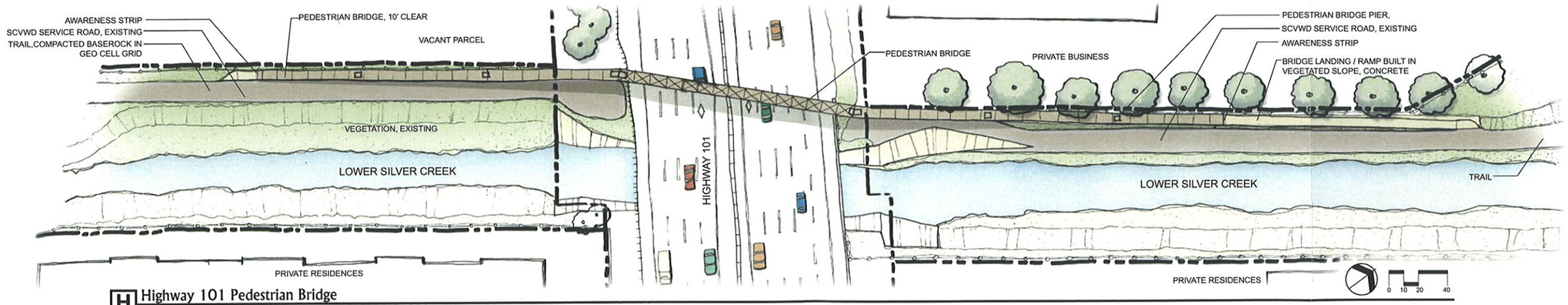
Sheet F

Detail Drawings

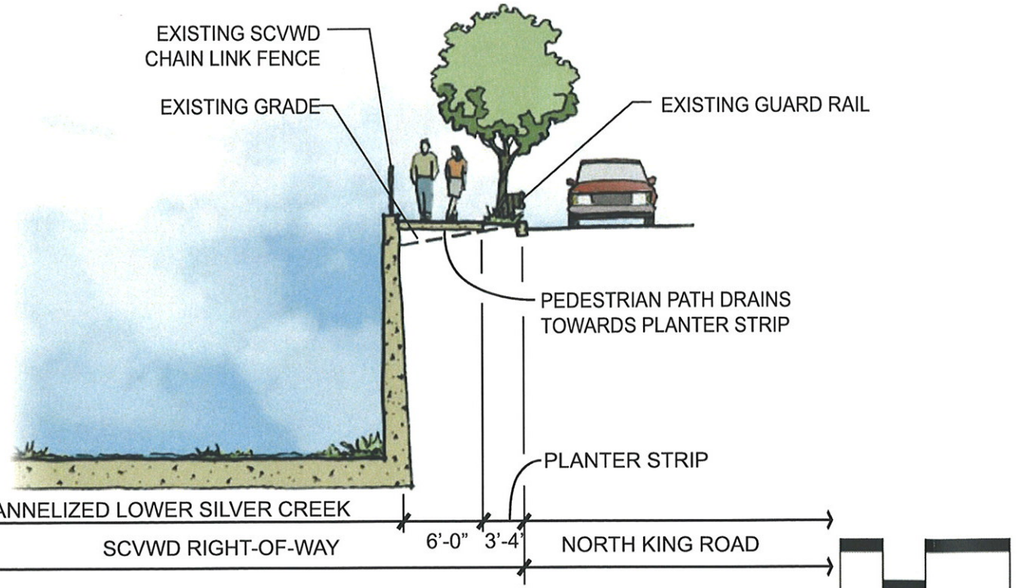
Lower Silver Creek Trail



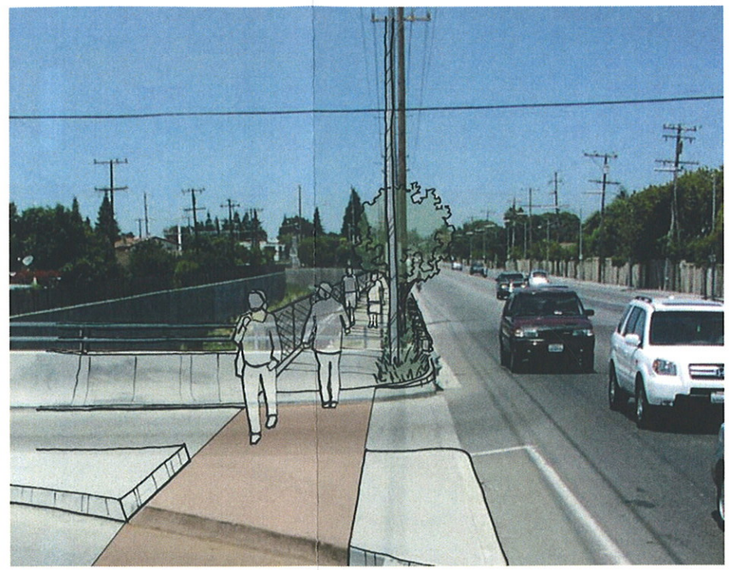
G Highway 101 Pedestrian Bridge
Section / Elevation



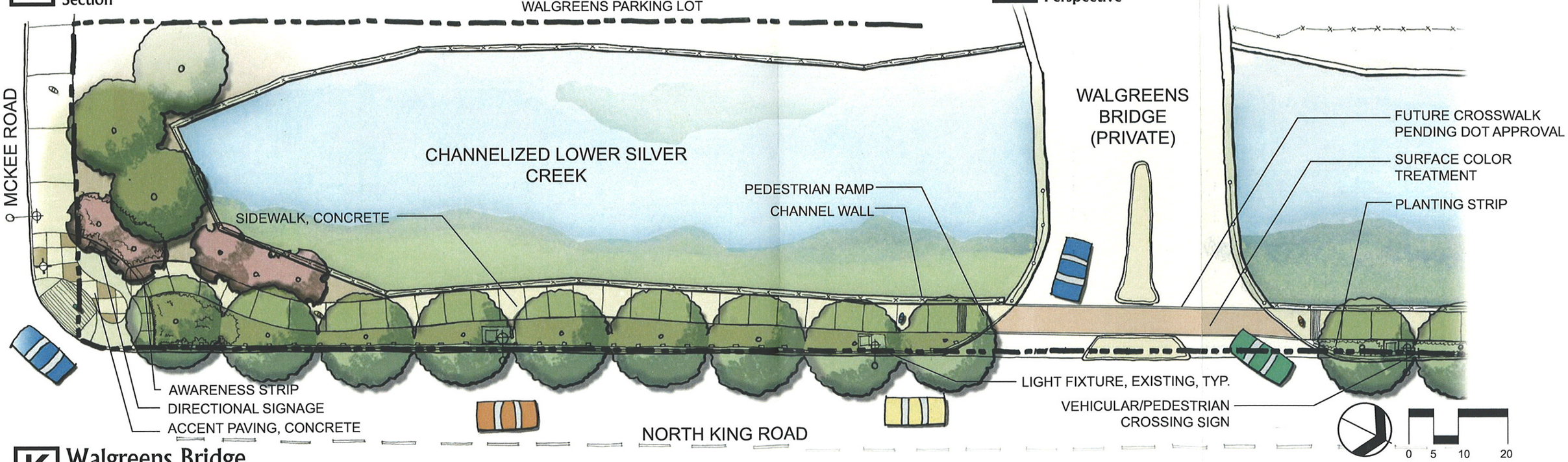
H Highway 101 Pedestrian Bridge
Enlargement Plan



I Trail at North King Road
Section



J Walgreens Bridge
Perspective



K Walgreens Bridge
Enlargement Plan

North King Road

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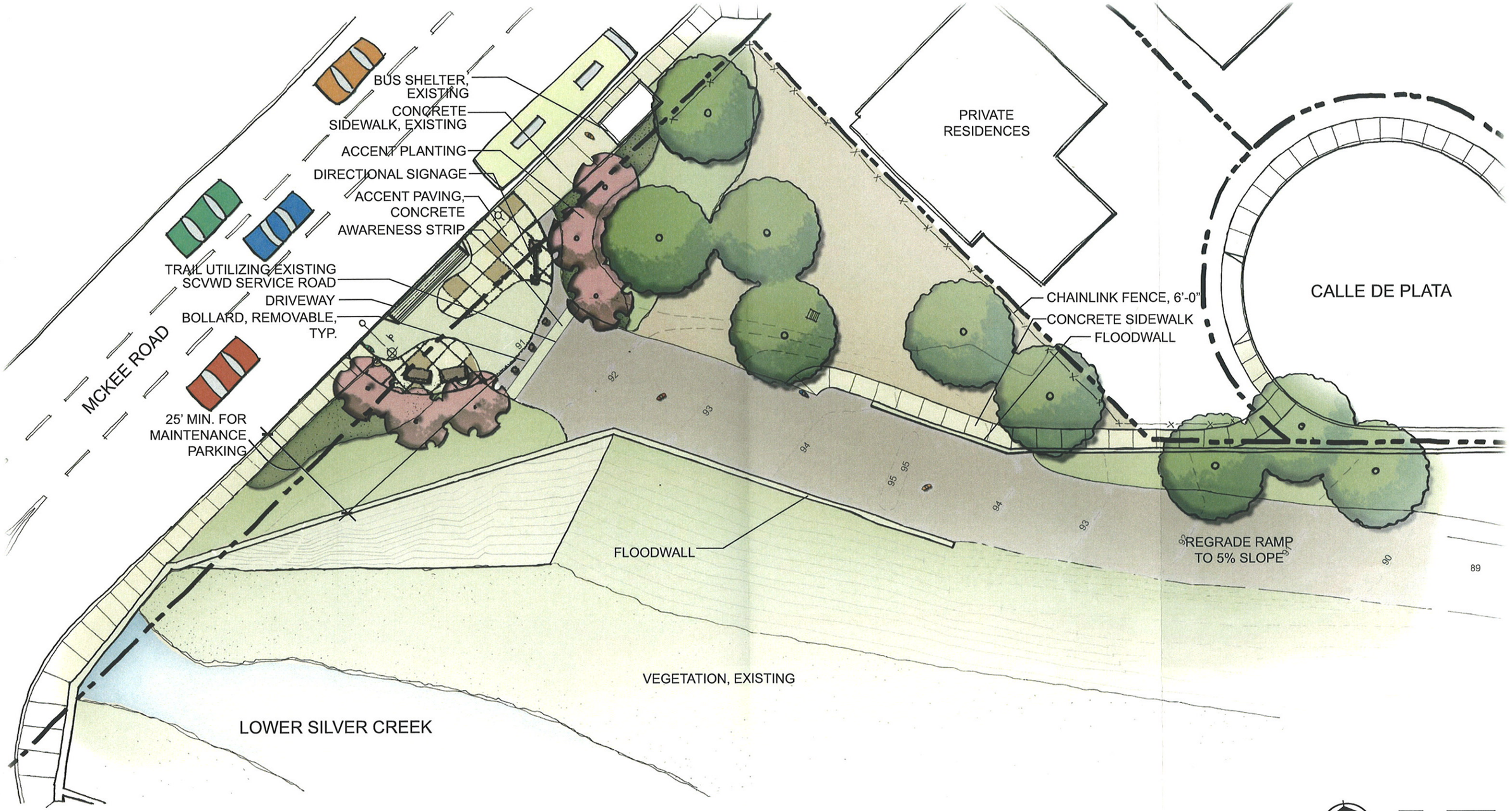
Sheet H
Detail Drawings
Lower Silver Creek Trail



0 5 10 20

McKee Road Trailhead

Enlargement Plan

Sheet I

Detail Drawings

Lower Silver Creek Trail

McKee Road Trailhead

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M Checkers Drive Ramp
Perspective

N Checkers Drive Ramp
Enlargement Plan

0 5 10 20

Checkers Drive

Sheet J
Detail Drawings
Lower Silver Creek Trail

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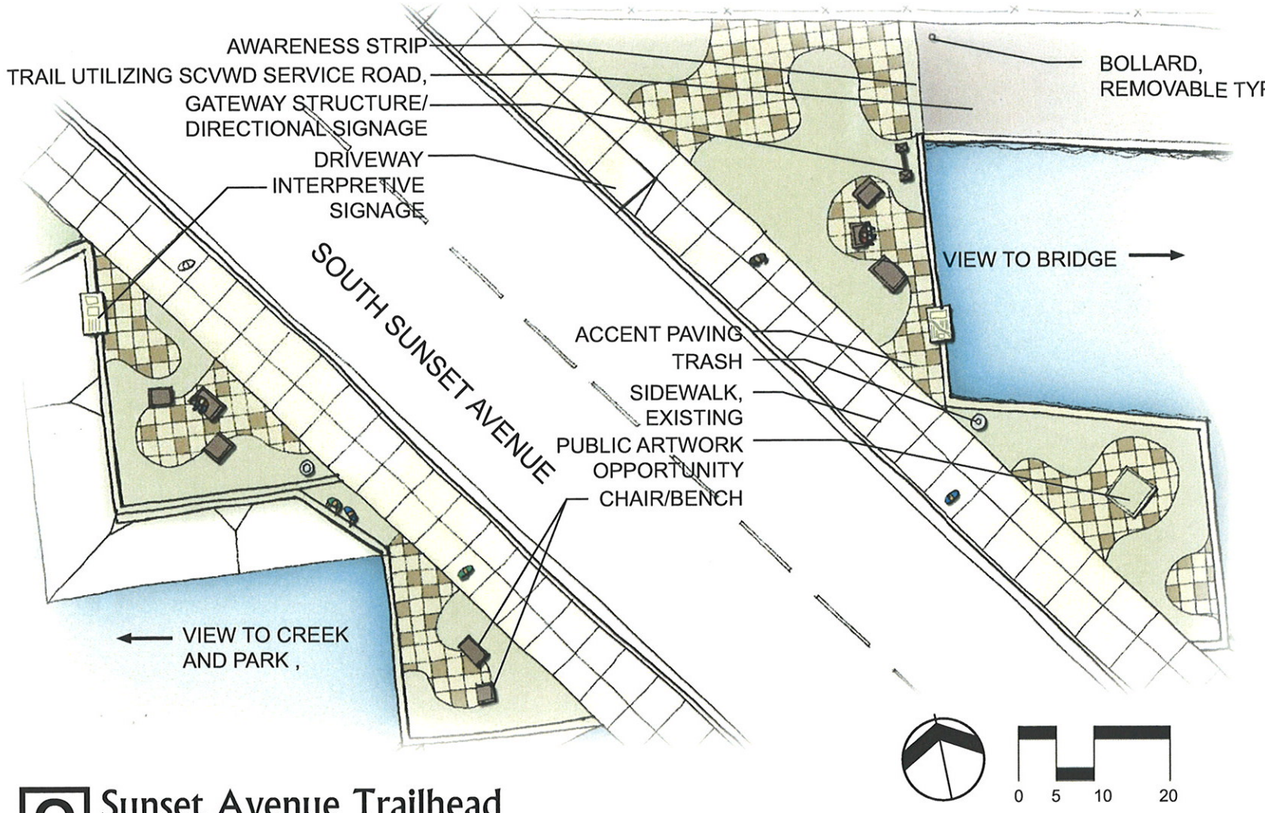
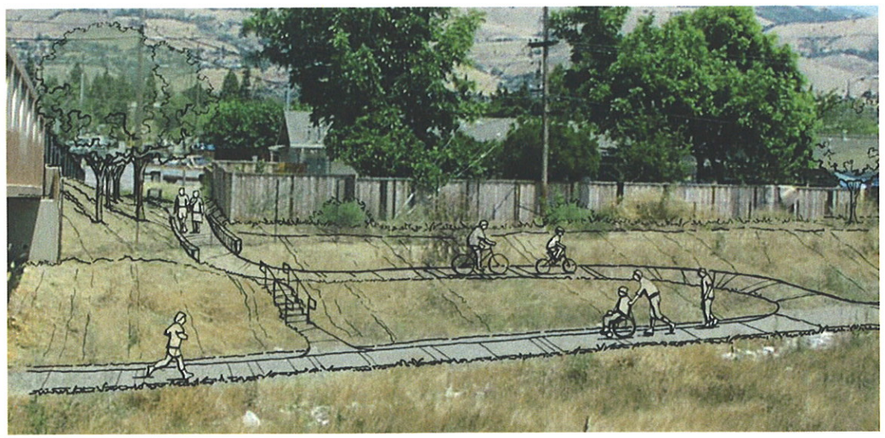
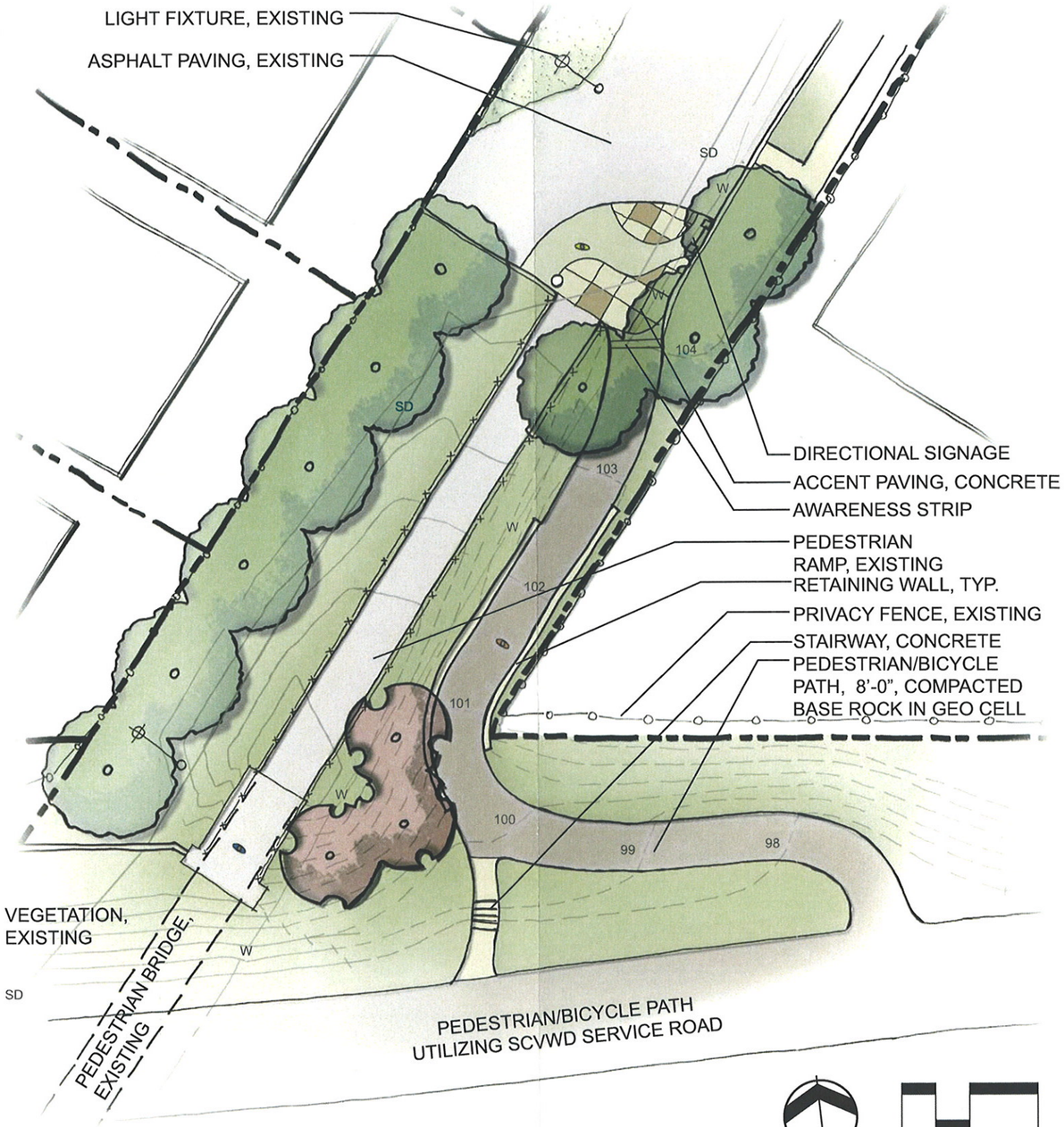


O Sunset Avenue Trailhead
Enlargement Plan



P Kammerer Bridge Link
Perspective



Q Kammerer Bridge Link
Enlargement Plan

Sunset Avenue Trailhead and Kammerer Bridge Link

Sheet K

Detail Drawings

Lower Silver Creek Trail

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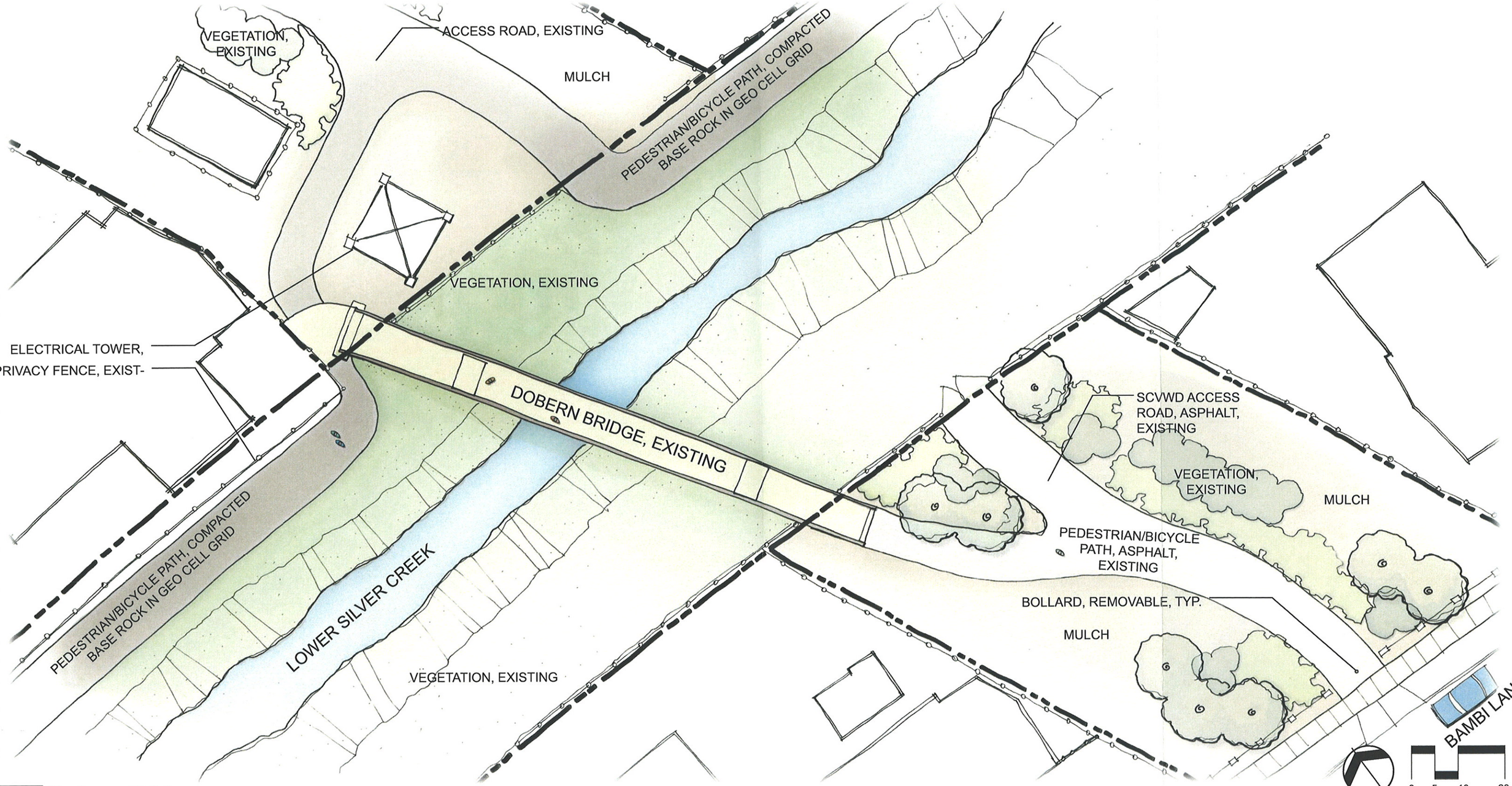

R Dobern Bridge
Enlargement Plan

Dobern Bridge

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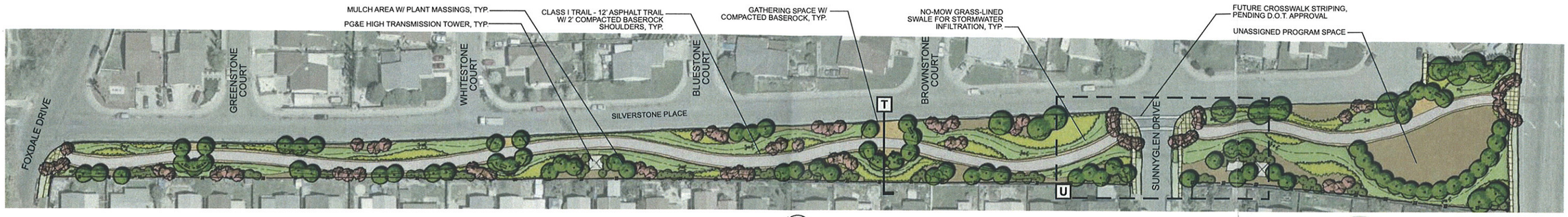
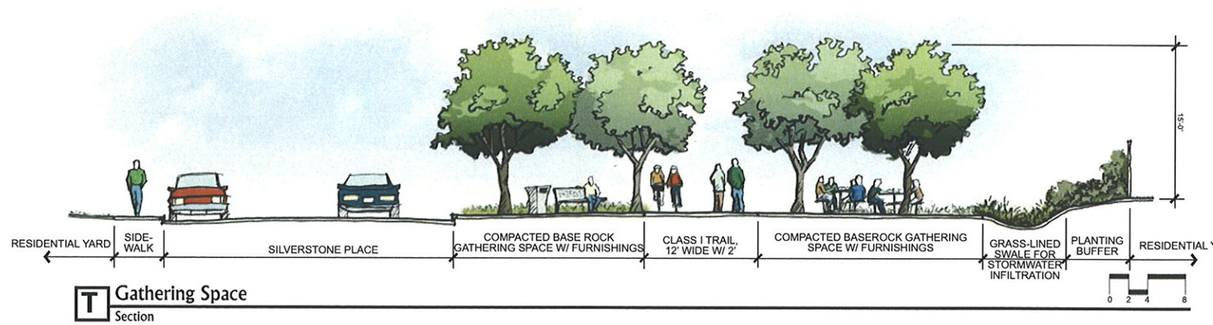
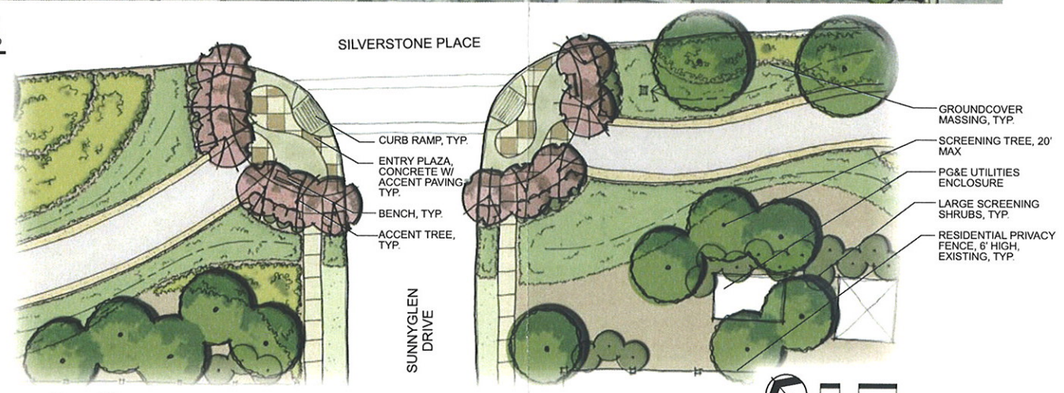
Sheet L
Detail Drawings
Lower Silver Creek Trail



S Silverstone Place Parkway
Enlargement Plan



T Gathering Space
Section



U Entry Plazas
Plan Enlargement

Silverstone Place Parkway

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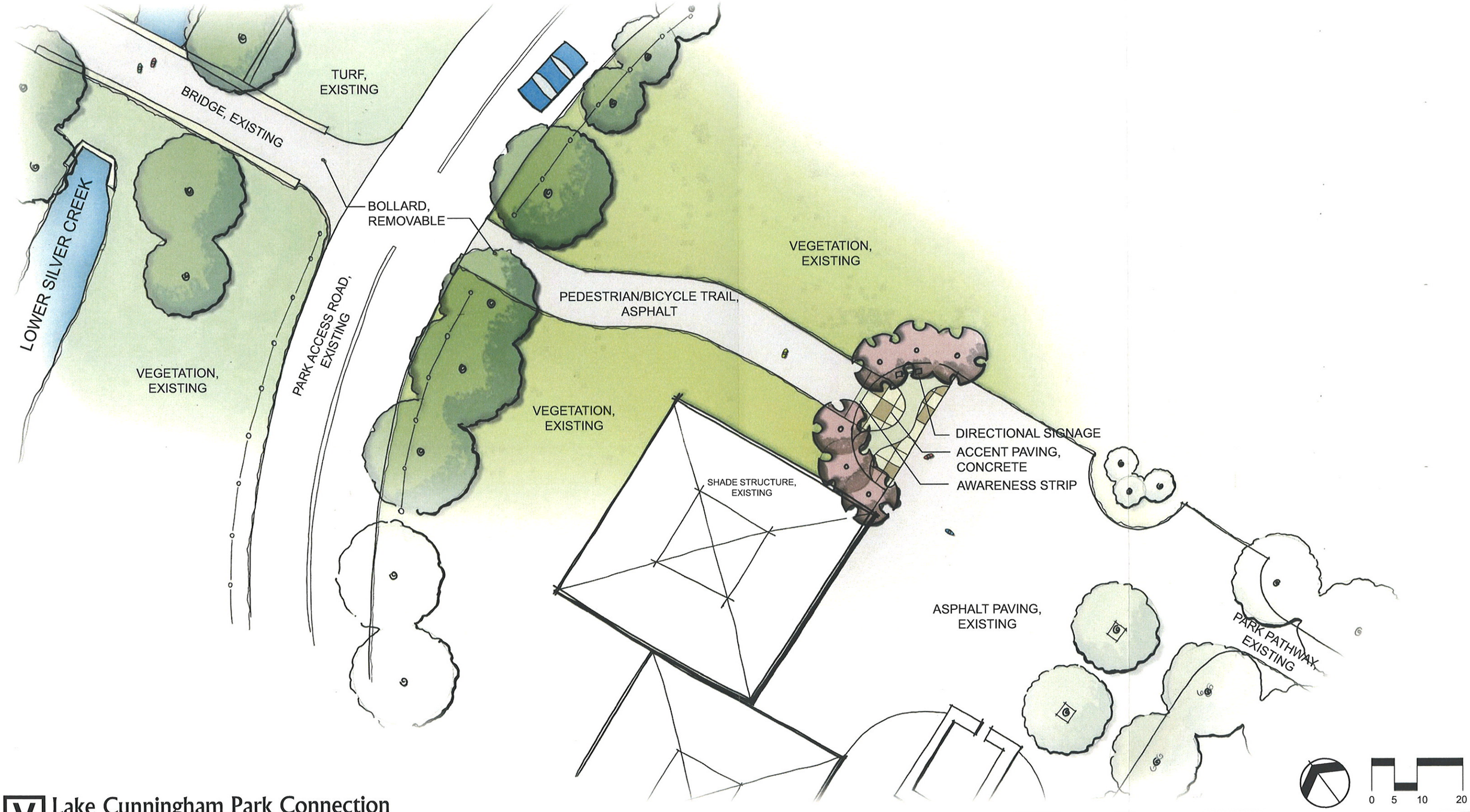
January 3, 2006

SAN JOSE

Sheet M
Detail Drawings
Lower Silver Creek Trail



V Lake Cunningham Park Connection
Enlargement Plan

Lake Cunningham Park Connection

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January 3, 2006

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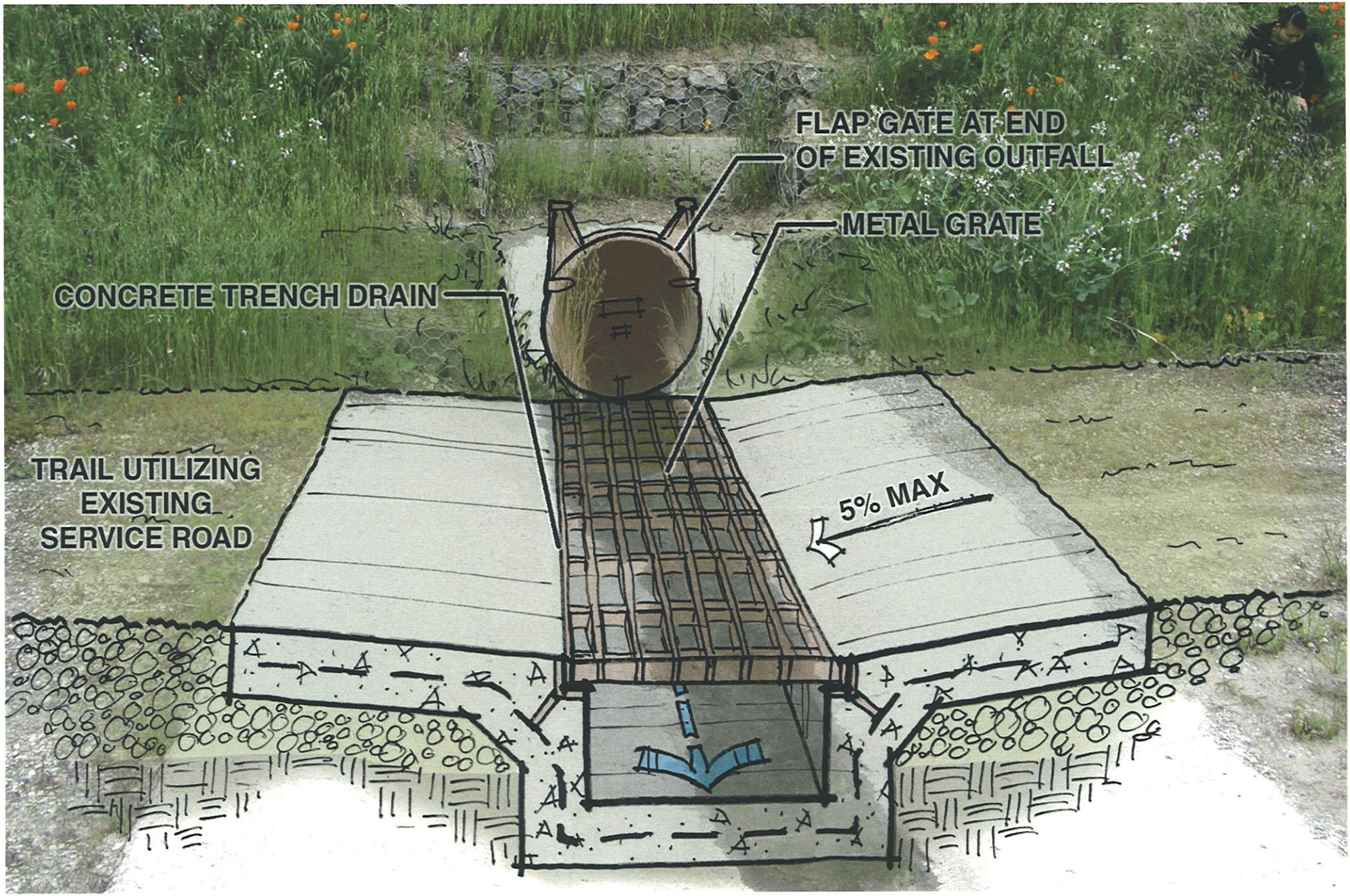
Sheet N
Detail Drawings
Lower Silver Creek Trail



Typical Outfall Treatment at Trail

Lower Silver Creek Trail

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January 9, 2007

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